



**MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET**

**3<sup>rd</sup> FLOOR – CONFERENCE ROOM**

**THURSDAY, JUNE 20, 2013**

**4:00 P.M.**

**WORKSHOP AGENDA**

1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 20, 2013.
2. Receive a briefing on the Water/Sewer and Transportation CIP.
3. Discuss Boards and Commission appointments.
4. Received a City Council continuing education briefing on Platting.

**5:00 P.M.**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**

**TEMPLE, TX**

**JOINT MEETING  
TEMPLE CITY COUNCIL  
&  
CITY OF TEMPLE EMPLOYEE BENEFITS TRUST**

**REGULAR MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC HEARINGS**

3. PUBLIC HEARING: Receive comments and questions concerning the 2012 Drinking Water Quality Report ([Consumer Confidence Report](#)).

**III. PUBLIC COMMENTS**

Citizens who desire to address the Council on any matter may sign up to do so prior to this meeting. Public comments will be received during this portion of the meeting. Please limit comments to 3 minutes. No discussion or final action will be taken by the City Council.

**IV. CONSENT AGENDA**

All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately.

4. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:

## **Minutes**

- (A) April 4, 2013 Special Called and Regular Meeting
- (B) April 18, 2013 Special Called and Regular Meeting
- (C) May 2, 2013 Special Called and Regular Meeting
- (D) May 14, 2013 Special Called Meeting
- (E) May 16, 2013 Special Called and Regular Meeting
- (F) June 6, 2013 Special Called and Regular Meeting

## **Contracts, Leases, & Bids**

- (G) [2013-6971-R](#): Consider adopting a resolution authorizing the purchase of 32 H45 Carbon Fiber SCBA Cylinders from Casco Industries, Inc. of Shreveport, LA the sole source provider, in the amount of \$27,520.
- (H) [2013-6972-R](#): Consider adopting a resolution authorizing the City Manager to make a payment to TEDC in the amount not to exceed \$180,000 for the City's share of a freight movement and logistics study from KPMG.
- (I) Consider adopting resolutions authorizing:
  - 1. [2013-6973-R](#): the construction of repairs to the Santa Fe Depot foundation by Hayward Baker, Inc. of Little Elm for a guaranteed maximum price of \$698,900 under a previously authorized Design-Build contract.
  - 2. [2013-6974-R](#): a professional services contract amendment for onsite representation for repairs to the Santa Fe Depot foundation with TemTex Engineering, PLLC of Temple in an amount of \$25,110.

## **Ordinances – Second & Final Reading**

- (J) [2013-4592](#): SECOND READING – A-FY-13-13: Consider adopting an ordinance authorizing abandonment and conveyance of an existing alley, being approximately 20 feet in width by 300 feet in length and reserving an easement for public utilities in the entire abandoned right-of-way, being a 0.138 ± acre tract of land located along the rear property lines of Lots 1 through 12 of Block 8, Freeman Heights Addition situated in the City of Temple, Bell County, Texas as described in the map or plat of record in Volume 98, Page 501, of the real property records of Bell County, Texas. The property is located at the southeast corner of South 31<sup>st</sup> Street and West Central Avenue.
- (K) [2013-4593](#): SECOND READING – Z-FY-13-19: Consider adopting an ordinance authorizing a zone change from General Retail District (GR), Neighborhood Service District (NS), and Two Family District (2F) to General Retail District on Lots 1 – 12, Block 8, Freeman Heights Addition, being an area of ± 2.066 acres, located at the southeast corner of South 31<sup>st</sup> Street and West Central Avenue.

- (L) [2013-4594](#): SECOND READING - Z-FY-13-17: Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to Neighborhood Service District (NS) on 4.916 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the south side of West Adams Avenue, at 7425 West Adams Avenue.
- (M) [2013-4595](#): SECOND READING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan to align with the 2022 Master Plan and to reflect the recent extension and expansion of the Reinvestment Zone No. 1 to 2062.

#### **Misc.**

- (N) [2013-6975-R](#): Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2013 Edward Byrne Memorial Justice Assistance Grant program Award.
- (O) [2013-6976-R](#): Consider adopting a resolution authorizing submission of an application for funding through the Killeen-Temple Metropolitan Planning Organization, Statewide Transportation Planning Metropolitan Mobility, Category 7 Funding in the amount of \$3,000,000, with \$1,500,000 reimbursed to the City through KTMPO funding, to execute construction of the improvements on SH 317 to a five-lane roadway.
- (P) [2013-6977-R](#): Consider adopting a resolution authorizing the rescheduling of the July 4, 2013, Regular City Council meeting to July 11, 2013.
- (Q) [2013-6978-R](#): Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual City of Temple audit for an amount not to exceed \$68,900.
- (R) [2013-6979-R](#): Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

### **V. REGULAR AGENDA**

#### **ORDINANCES**

- 5. [2013-4596](#): FIRST READING – PUBLIC HEARING - Z-FY-13-20: Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to General Retail District (GR) on 1.00 ± acres, being a portion of the Daniel Meador Survey, Abstract No. 577, situated in the City of Temple, Bell County, Texas, located at 8744 Airport Road.
- 6. [2013-4597](#): FIRST READING – PUBLIC HEARING - Z-FY-13-21: Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to General Retail District (GR) on 1.296 ± acres, being a portion of the Nancy Chance Survey, Abstract 5, Bell County, Texas, located on the west side of Old Waco Road, south of West Adams Avenue.

#### **RESOLUTIONS**



7. [2013-6980-R](#): Consider adopting a resolution appointing members to the following City boards and commissions:
- (A) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2015; and
  - (B) Temple Economic Development Corporation – one member to fill a standing Councilmember position.

**ADJOURN THE REGULAR MEETING OF THE TEMPLE CITY COUNCIL AND CONVENE THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING.**

**VI. AGENDA – CITY OF TEMPLE EMPLOYEE BENEFITS TRUST**

8. [2013-6981-R](#): Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies from:
- (A) MetLife for Dental Insurance for FY2013-2014;
  - (B) MetLife for Basic Life, AD&D and Voluntary Life for FY2013-2014;
  - (C) Avesis for Voluntary Vision Insurance for FY2013-2015;
  - (D) Scott & White Health Plan for Medical and Prescription Insurance for FY2013-2015; and
  - (E) FBS/NBS for Voluntary Supplemental Insurance for FY2013-2014.

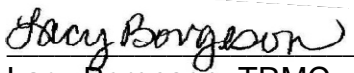
**ADJOURN THE MEETING OF THE CITY OF TEMPLE EMPLOYEE BENEFITS TRUST MEETING**

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***The City Council reserves the right to discuss any items in executive (closed) session whenever permitted by the Texas Open Meetings Act.***

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 2:40 PM, on June 14, 2013.

  
Lacy Borgeson, TRMC  
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City Municipal Building at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 2013. \_\_\_\_\_.



## COUNCIL AGENDA ITEM MEMORANDUM

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06/20/13  
Item #3  
Regular Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Nicole Torralva, P.E., Public Works Director  
Johnnie Reisner, Director of Water Production Services

**ITEM DESCRIPTION:** PUBLIC HEARING: Receive comments and questions concerning the 2012 Drinking Water Quality Report (Consumer Confidence Report).

**STAFF RECOMMENDATION:** Conduct public hearing; no action required.

**ITEM SUMMARY:** The Consumer Confidence Report (CCR) is an annual water quality analysis of the City's drinking water. The Texas Commission on Environmental Quality (TCEQ), under Title 30 of the Texas Administrative Code §290.271-290.275, requires that community water systems deliver the annual CCR to customers, making a good faith effort to reach all customers and citizens by appropriate methods. This effort has been completed through inclusion of the CCR in all utility billing cycles (both by mail and electronically), as well as making it available on the City's website, at the Utility Business Office, the Public Library, and through the office of Public Works Administration.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[2012 Drinking Water Quality Report](#)

## CONSUMER CONFIDENCE REPORT

### Important Phone Numbers

- Public Works Administration  
254-298-5621
- Water Treatment Plant  
254-298-5940
- Water Distribution &  
Wastewater Collection  
254-298-5611
- Utility Business Office  
(Water Bill)  
254-298-5616
- Solid Waste Department  
254-298-5725
- Temple Police Department  
non-emergency  
254-298-5500
- Temple Library  
254-298-5556
- Visitors Center  
254-298-5900
- Animal Control  
254-298-5732
- City Manager's Office  
254-298-5600

Let's all help protect and conserve our valuable water resource by practicing smart water use, eliminating illicit discharges in our waterways, and eliminating cross connections within the system.

**We all benefit!**



City of Temple  
Public Works Department  
3210 E Ave H Bldg. A

Page 4

## Water Conservation - Every Drop Counts

**Stage 1 – Voluntary** Water Conservation (Mild Water Shortage Conditions); Practice water conservation and minimize or discontinue water use for non-essential purposes. Voluntarily limit the irrigation of landscaped areas to two days per week (as assigned by street address numbers), and to irrigate landscapes only before 10:00 am or after 8:00 pm on designated watering days, unless watering by hand-held means. **Sundays** and **Thursdays** for water customers with a street address ending in an even number (0, 2, 4, 6, or 8), **Saturdays** and **Wednesdays** for water customers with a street address ending in an odd number (1, 3, 5, 7, or 9).



**Stage 2 - Mandatory** Water Conservation (Moderate Water Shortage Conditions); Citizens must limit irrigation of landscaped areas to two days per week (as assigned by street address numbers), and to irrigate landscapes only before 10:00 am or after 8:00 pm on designated watering days, unless watering by hand-held means. **Sundays** and **Thursdays** for water customers with a street address ending in an even number (0, 2, 4, 6 or 8), **Saturdays** and **Wednesdays** for water customers with a street address ending in odd number (1, 3, 5, 7 or 9). Fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools only on designated watering days as listed above. Operate fountains or ponds only to support aquatic life or where such fountains or ponds are equipped with a recirculation system. Use fire hydrants for firefighting or related activities only or for construction purposes under special permit from the City of Temple. Irrigate golf courses only on designated watering days before 10:00 am or after 8:00 pm, unless the course utilizes a water source other than that provided by the City of Temple. Not wash down hard-surfaced areas (driveways, tennis courts, etc.), flush gutters, use water for dust control, or wash down buildings, except for fire protection. Restaurants are prohibited from service water, except by request.

**Stage 3- Mandatory** Water Conservation (Severe Water Shortage Conditions); Citizens must follow all restrictions of Stage 2, and limit irrigation of landscaped areas to two days per week (as assigned by street address number) and to irrigate landscapes only before 8:00 am or after 8:00 pm on designated watering days, unless watering by hand-held means. The use of water for construction purposes from fire hydrants is prohibited. The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the City.

**Stage 4 – Mandatory** Water Conservation (Emergency Water Shortage Conditions); Citizens must follow all restrictions of Stages 2 and 3. Irrigation of landscaped areas is absolutely prohibited. Use of water to wash any motor vehicle is prohibited. Filling, refilling, or adding of water to pools is prohibited. No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be allowed or approved. The City Manager is authorized to implement any actions or restrictions necessary to protect the public health, safety, and welfare including, but not limited to, water rationing, water service termination, and mandatory closure of commercial and industrial facilities.

To request more information about the water conservation efforts, visit the City's website or contact (254) 298-5621.

### Storm Water

The Storm Water Program monitors water bodies (creeks, stream, lakes, and rivers) for illicit discharges, a misdemeanor with a fine up to \$2,000 (Ch. 27, City Code). An illicit discharge is the release of non-stormwater items into storm sewers and/or water bodies. These items include, but are not limited to automotive wastes; hazardous chemicals; garbage; detergents; fertilizers; animal waste; and illicit connections. Illicit discharges can be a threat to human health and the environment, and therefore, should be disposed of appropriately. For more information, call (254) 298-5660.

### Cross-Connections

A cross connection is any connection between piping that carries drinking water (potable water) and the piping that carries other types of water or substances that may not be safe to drink (non-potable).

Any connection to a non-potable source not protected with a backflow prevention device could be siphoned back into the public water system, which could pollute or contaminate the public water supply.



## CONSUMER CONFIDENCE REPORT

### Front Page

- \* The City of Temple's drinking water meets all EPA and state standards
- \* The source of Temple's drinking water is surface water
- \* All drinking water contains some naturally-occurring containments.
- \* EPA Safe Drinking Water Hotline Number  
1-800-426-4791

### Did you know ?

**Our Community water supplies are tested many times each day. Tap water is the most frequently sampled product produced by the City of Temple, consumed and enjoyed by the most people!**

### Inside this issue:

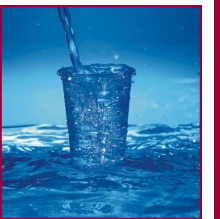
- \* Definitions
- \* Health Risk
- \* Did You Know 2
- \* Indoor & Outdoor Water Conservation Tips
- \* Drinking Water Analysis 3
- \* Water Conservation
- \* Storm Water 4
- \* Cross-Connections

# 2012 Annual Drinking Water Quality Report City of Temple

## From The Director's Chair

On behalf of the City of Temple, we invite you to explore this annual drinking water report summarizing the quality of water that was delivered to Temple's water utility customers during 2012. We are proud to report that our water utility continues to maintain a "Superior" rating, meeting or exceeding all state and federal standards for public drinking water systems. Our dedicated team of water professionals work around the clock to ensure that water is treated and distributed safely, reliably, and economically to customers within our community each and every day.

As our state and region continues to remain in an extended drought, we also remind our customers to remain diligent and mindful when using water. Tips and links contained in this document and on the City's website will provide helpful advice for conserving this precious resource. It is our hope that this annual report will help our customers become more knowledgeable about what's in our drinking water, and that we can all continue to work together to protect and enjoy our tap water.



**Yours in Service,**

**Nicole Torralva, Public Works Director**

### THE CITY OF TEMPLE'S DRINKING WATER IS REGULATED

This report is a summary of the quality of the water that the City of Temple provides to our citizens and wholesale customers. This report was prepared using data testing required by U.S. Environmental Protection Agency (EPA).

### WHERE DOES TEMPLE GET IT'S DRINKING WATER FROM ?

The source of drinking water for the CITY OF TEMPLE is Surface Water. The source of drinking water comes from the Leon River, south of Lake Belton.

### OUR DRINKING WATER IS RATED "SUPERIOR"

The Texas Commission on Environmental Quality (TCEQ) has assessed our system and reported that our water is safe to drink, establishing a "SUPERIOR" rating for Temple's water utility, the highest rating that a public water supply can receive. Employees at the water treatment plant collect a minimum of 70 routine bacteriological water samples per month, while distribution system employees keep drinking water flowing smoothly to the tap.

### SOURCE WATER ASSESSMENT PROTECTION

The TCEQ completed an assessment of the City of Temple's source water, with results indicating that our sources have a low susceptibility to contaminants. The sampling requirements for our water system are based on this Susceptibility Report. For more information, contact the Temple Water Treatment Plant at (254) 298-5940.

## Why Did I Receive This Report ?

In 1996, Congress amended the Safe Drinking Water Act to include a requirement that water utilities annually notify customers about their drinking water quality. The law is very specific regarding delivery methods and what information must be included. Every customer with a water account receives a copy of this report, which is also published on the City of Temple City of Temple Website. The law requires water suppliers make a good effort to distribute this report to its citizens. You may also see this report at local city facilities to ensure that the citizens of Temple are educated on the quality of potable drinking water provided by the City of Temple's water utility. If you have any questions about information contained in this report or if you would like to receive this report in Spanish, please contact the City's Public Works Department at (254) 298-5621. To participate in the public process, regular City Council meetings occur on the 1st and 3rd Thursday of each month at 5:00 pm, at Temple's City Hall, 2 N. Main Street. Meetings are open to the public.

In order to ensure tap water is safe to drink, EPA prescribes regulations that limit the amount of certain contaminants in water provided by public water systems. Food and Drug Administration regulations establish limits for contaminants in bottled water that must provide the same protection for public health.



**“Water Fact:**  
**A leaky faucet that drips at the rate of one drip per second can waste more than 3,000 gallons per year”... costing both the utility and the homeowner.**



**Just try living without it... SAVE WATER. Nothing can replace it.**

Definitions

- \* **Treatment Technique (TT):** A required process intended to reduce the level of a contaminant in drinking water.
- \* **Maximum Contaminant Level (MCL):** The highest permissible level of a contaminant in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.
- \* **Maximum Contaminant Level Goal (MCLG):** The level of a contaminant in drinking water below which there is no known or expected health risk. MCLGs allow for a margin of safety.
- \* **Maximum Residual Disinfectant Level (MRDL):** The highest level of disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.
- \* **Maximum Residual Disinfectant Level Goal (MRDLG):** The level of drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.
- \* **Action Level (AL):** The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.
- \* **NTU:** Nephelometric Turbidity Units pCi/L: picocuries per liter (a measure of radioactivity)
- \* **ppm:** parts per million, or milligrams per liter (mg/L)
- \* **ppb:** parts per billion, or micrograms per liter (ug/L)

Health Risk - Information for Immunocompromised



You may be more vulnerable than the general population to certain microbial contaminants, such as Cryptosporidium, in drinking water. Infants, some elderly or immune-compromised person such as those undergoing chemotherapy for cancer; those who have undergone organ transplants; those who are undergoing treatment with steroids and people with HIV/AIDS or other immune system disorders can be particularly at risk from infections. You should seek advice about drinking water from your health care provider. Additional guidelines on appropriate means to lessen the risk of infection by Cryptosporidium are available from the Safe Drinking Water Hotline. (1-800-426-4791).

Did you Know ?

**Did you know...** of all the earth’s water, 97% is salt water found in oceans and seas. Only 1% of the earth’s water is available for drinking water. 2% is currently frozen ?

**Did you know...** you can survive about a month without food, but only 5 to 7 days with out water ?

**Did you know...** The City of Temple’s water utility produced over 5 BILLION gallons of water in 2012 ? **WOW !**

Indoor & Outdoor Conservation Tips

- ⇒ Wash full loads of laundry and dishes, and look for water -efficient appliances.
- ⇒ Replace old plumbing fixtures when replacing older model appliances.
- ⇒ Turn off your water while brushing your teeth.
- ⇒ Take shorter showers and use a low-flow showerhead
- ⇒ Fix broken toilets, so that they don't waste water.
- ⇒ Defrost food in the refrigerator instead of under running water.
- ⇒ Wash fruits and vegetables in a pan of water instead of a running faucet.
- ⇒ Water your lawn and outdoor plants in the morning.

Drinking Water Analysis

Substance (Units)	Sample Year	Average Level	Minimum Level	Maximum Level	MCL	MCLG	Possible Source
<b>Turbidity</b> Turbidity (NTU)	2012	N/A	99.5%	0.3	Treatment Technique	100%	Soil runoff
<b>Inorganics</b> Fluoride (ppm)	2012	0.22	0.22	0.22	4.0	4.0	(1) (2) Erosion of natural deposits
Nitrate as Nitrogen (ppm)	2012	0.75	0.75	0.75	10.0	10.0	
Combine radium (pCi/L)	2006	0.10	0.10	0.10	5.0	0.00	
<b>Coliform Bacteria</b> Total Coliform bacteria	2012	NA	0.00%	1.39 %	5.00%	0.00%	Naturally present in the environment
<b>Disinfection Residual</b> Chloramines (ppm)	2012	NA	0.50	4.00	4.00	4.00	Water additive used to control microbes
<b>Disinfection Byproducts</b> Total Trihalomethanes (TTHM) (ppb)	2012	71.1	45.7	87.7	80	NA	By product of water disinfection
Total Haloacetic Acids (THAA) (ppb)	2012	38.3	10.7	38.3	60	NA	By product of water disinfection
<b>Total Organic Carbon</b> Source Water (ppm)	2012	3.84	2.81	4.69	NA	NA	Naturally present in the environment
Drinking Water (ppm)	2012	2.73	2.26	3.30	NA	NA	
Removal Ratio	2012	1.34	0.78	2.17	NA	NA	
<b>Unregulated Contaminants</b> Chloroform (ppb)	2012	26.0	26.0	26.0	NA	NA	By product of water disinfection
Bromoform (ppb)	2012	1.50	1.50	1.50	NA	NA	
Bromodichloromethane (ppb)	2012	24.0	24.0	24.0	NA	NA	
Dibromochloromethane (ppb)	2012	12.0	12.0	12.0	NA	NA	
<b>Secondary and Other Unregulated Constituents</b> Bicarbonate Alkalinity (ppm)	2012	163	163	163	NA	NA	Erosion of limestone Natural soluble minerals salts Naturally occurring element Measure of the corrosively of water Erosion of natural deposits Naturally occurring compounds Total dissolved mineral constituents
Total Alkalinity (ppm)	2012	134	134	134	NA	NA	
Chloride (ppm)	2012	27	27	27	300	NA	
pH (pH units)	2012	7.3	7.3	7.3	>7.0	NA	
Sodium (ppm)	2012	20.2	20.2	20.2	NA	NA	
Sulfate (ppm)	2012	41	41	41	300	NA	
Total Dissolved Solids (ppm)	2012	221	221	221	1000	NA	
<b>Lead and Copper</b>  Copper (ppm)	<b>Year</b> 2012	<b>(3)</b> 0.159	<b>(4)</b> 0.0	<b>Action level</b> 1.30	<b>Violation?</b> No		Corrosion of household plumbing and erosion of natural deposits
Lead (ppb)	2012	1.37	0.0	15.0	No		

- (1) Erosion of natural deposits; water additive which promotes strong teeth; discharge from fertilizer and aluminum factories
- (2) Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits
- (3) 90th percentile value
- (4) Sites exceeding action level





## **COUNCIL AGENDA ITEM MEMORANDUM**

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06/20/13  
Item #4(A-F)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Lacy Borgeson, City Secretary

### **ITEM DESCRIPTION:** Approve Minutes:

- (A) April 4, 2013 Special Called and Regular Meeting
- (B) April 18, 2013 Special Called and Regular Meeting
- (C) May 2, 2013 Special Called and Regular Meeting
- (D) May 14, 2013 Special Called Meeting
- (E) May 16, 2013 Special Called and Regular Meeting
- (F) June 6, 2013 Special Called and Regular Meeting

**STAFF RECOMMENDATION:** Approve minutes as presented in item description.

**ITEM SUMMARY:** Copies of minutes are enclosed for Council review.

**FISCAL IMPACT:** N/A

### **ATTACHMENTS:**

April 4, 2013 Special Called and Regular Meeting  
April 18, 2013 Special Called and Regular Meeting  
May 2, 2013 Special Called and Regular Meeting  
May 14, 2013 Special Called Meeting  
May 16, 2013 Special Called and Regular Meeting  
June 6, 2013 Special Called and Regular Meeting

## TEMPLE CITY COUNCIL

**APRIL 4, 2013**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, April 4, 2013 at 3:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud  
Mayor Pro Tem Danny Dunn  
Councilmember Russell Schneider  
Councilmember Judy Morales  
Mayor William A. Jones, III.

**1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 4, 2013.**

Item 5(P) - Councilmember Cloud stated that this item will need to be pulled for voting purposes. Ms. Borgeson advised Councilmember Cloud that this item has been revised.

Item #7 - Mr. Blackburn stated that this is on the agenda with hopes to have the plan in place by June 1, 2013.

Item #8 - Mayor Jones reviewed each of the applicants on file for these particular boards.

At this time Mayor Jones stated that the Council would discuss item 3.

**2. Receive a City Council continuing education briefing on City Boards and Commissions.**

Mayor Jones stated this item will be conducted at the May 16th Meeting of the Council.

**3. Discuss the City's strategic plan, to include the FY 2013-2014 budget process and calendar, and various strategic and budget related policy issues.**

Mr. Blackburn presented this item to the Council. He stated the primary purpose is to review the Council's February retreat and discussions related to residential curbside recycling; TCIP; East Temple Redevelopment; and the Immediate Action items from the Comprehensive Master Plan. He also reviewed the FY 14 budget calendar and Fence Posts.

Mr. Blackburn recommended to Council that they proceed with the RFP's

for recycling partner for city wide program. This will be brought to the Council on May 2, 2013, for direction. At this time Mr. Blackburn reviewed the multi-modal transportation as it was discussed at the February retreat. His recommendations are to continue pursuing multi-modal approach were viable; accommodate bike and pedestrian modes where possible; narrowing of vehicular lanes; slowing of traffic; and connecting corridors with work and home. Mr. Blackburn reviewed the components of the TCIP program to include the \$60.2M project list; public safety; and the sequencing of the projects.

Nicole Torralva, Director of Public Works reviewed the FY 13/ FY 14 signalization projects to include Airport @ Research Parkway; FM 93 @ 5th Street; West Adams @ Westfield Blvd; SH 317 @ FM 2483; SH 317 @ Prairie View; and the Traffic Signal Communications. Ms. Torralva gave a project update for Westfield Phase 1 (construction complete by summer 2014); South Pea Ridge Road (construction complete by Spring 2014); and Western Hills.

Next Ms. Torralva reviewed the NW Loop 363 Project. Phase 1, currently underway, is on schedule and should begin Phase 2 in June 2013. There will be traffic pattern changes with Phase 2. Phase 3 & 4 is anticipated to begin April 2014 with completion in Fall/ Winter 2014.

Mr. Blackburn introduced the East Temple Redevelopment Plan. He noted that there have been stakeholder meetings to provide additional focus and prioritization.

Councilmember Morales recognized the stakeholders that were presented.

Ms. Foutz, provided the Council with the both the East Temple Development and Revitalization Plan, and the Implementation Plan. Ms. Foutz stated the purpose of this plan is revitalization, improve neighborhood environment, self sufficiency, shopping opportunities and sustainability. She reviewed the approach for this plan, as noted the city's role is as a facilitator with the East Temple stakeholder group taking the leadership role along with utilizing volunteers and partnerships throughout the community. Ms. Foutz reviewed the different efforts of the plan to be, (1) Neighborhood Improvements, Home Repair, and Clean-up; (2) Boarded/ Dilapidated House Rehabilitation Investors & Non-Profits; (3) Increase Home Ownership Opportunities Resale & New Homes; (4) New Housing Development - Larger Scale; and (5) New Housing Development Area and the targeted areas.

Councilmember Schneider asked if the funds used would be reimbursed back to the City?

Ms. Foutz stated this would be a policy decision by the Council.

Mr. Blackburn stated it would be helpful to have direction from the Council prior to the budget adoption. This plan is comprehensive and ambitious. Mr. Blackburn stated this will require collaboration from all groups as this will take place over an extended period of time to accomplish the desired results. Mr. Blackburn commented on a few proposed items, of which the city is already doing; such as down payment assistance program, public infrastructure investment, and neighborhood improvements. He added that his recommendations are to adopt a plan and resource the plan; and adopt, and modify the plan in concert with the annual budget process. This plan is critical to the success of the East Temple.

At this time Mr. Blackburn reviewed the Comprehensive Master Plan - Choices '08 and the immediate, short term, mid term, and long term items. He noted there were a total of 18 action items, 12 have been completed with three remaining. The remaining items are (1) zoning amendments around the airport, (2) zoning amendments in the historic district, and (3) re-zoning of TMED south of Loop 363. Mr. Blackburn stated this will be brought back at the May 16th meeting for further discussion and direction by the Council. As Mr. Blackburn reviewed upcoming calendar dates, he noted that July 4th meeting will be on a city holiday.

Councilmember Schneider stated it makes more sense to identify project for funding before placing in the budget; as well as the areas in the city to be responsible for the projects and the process. This program is large enough and needs to be successful.

Mayor Jones thanked Ms. Foutz, staff, and the stakeholders for their time and engagement during this process.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, April 4, 2013 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Perry Cloud  
Mayor Pro Tem Danny Dunn  
Councilmember Russell Schneider  
Councilmember Judy Morales  
Mayor William A. Jones, III

**I. CALL TO ORDER**

**1. Invocation**

Pastor Robert Beamon with A New Day Fellowship Church in Temple voiced the Invocation.



**2. Pledge of Allegiance**

Cheryl Maxwell with Central Texas Council of Governments led the Pledge of Allegiance.

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS****3. (A) Fair Housing Month April 2013**

Mayor Jones presented the Proclamation to Cheryl Maxwell.

**(B) Healthy Texas Week April 8 - 14, 2013**

Mayor Jones presented the Proclamation to Nina M. Cobb.

**III. PUBLIC APPEARANCES****4. Receive comments from Doug Smith, Parks and Leisure Services Advisory Board, and Scott Allen, Temple Parks Foundation, regarding support of funding for park improvements in the 2013-2014 Budget.**

Doug Smith, Parks and Leisure Service Advisory Board, and Scott Allen, Temple Parks Foundation, addressed the Council in regards to increasing the Parks budget by \$500,000 to the maintain the parks as well as to evaluate the capital needs for the department.

**IV. PUBLIC COMMENTS**

Mr. Steve Niemeier, 2619 Timber Ridge signed up to speak regarding the zoning change (item 6 on the regular agenda). Mayor Jones advised Mr. Niemeier that public comments would be allowed during this item, and asked if he wished to address the council now or wait until the reading of item 6. Mr. Niemeier stated he would wait for the public hearing.

**V. CONSENT AGENDA****5. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:**

**(A) January 3, 2013 Special Called and Regular Meeting**

**(B) February 21, 2013 Special Called and Regular Meeting**

**(C) March 7, 2013 Special Called and Regular Meeting**

**(D) March 21, 2013 Special Called and Regular Meeting**

**(E) 2013-6914-R: Consider adopting a resolution ratifying the emergency repair and cleaning of the EVSS chlorine scrubbers at the Water Treatment Plant from Siemen's Industries, Inc., of Sarasota, Florida in the amount of \$37,635.**

**(F) 2013-6915-R: Consider adopting a resolution authorizing a Design-Build contract for construction of a compressed natural gas fueling station with ZeitEnergy LLC & Freese & Nichols Inc, of Dallas with an initial design services fee of \$100,000 and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.**

**(G) 2013-6916-R: Consider adopting a resolution authorizing the following items with National Signs, LLC of Houston related to the downtown signage:**

- 1. A construction contract in the amount of \$434,290 for kiosk, directional, parking, and informational signage for the downtown area, which includes the base bid and add alternates A, B, C, D, and E; and**
- 2. A deductive change order in the amount of \$32,500 that reduces the scope of services in the base bid making the revised contract value \$401,790.**

**(H) 2013-6917-R: Consider adopting a resolution authorizing a contract with Total Demolition, Inc. of Elm Mott for demolition services for the former Police, former Municipal Court, and Police Special Investigations Unit buildings in the amount of \$83,750.**

**(I) 2013-6918-R: Consider adopting a resolution authorizing a professional services agreement with Kasberg, Patrick & Associates, LP to design, bid, and provide construction phase services for a rail safety zone, per the report KPA was previously contracted to develop, in an amount not to exceed \$98,000.**

**(J) 2013-6919-R: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC for professional services required to design the reconstruction of residential streets within the Western Hills subdivision in an amount not to exceed \$642,074.28.**

**(K) 2013-6920-R: Consider adopting a resolution authorizing the purchase of the fourth year of a Microsoft Software Enterprise**

**Agreement with Dell Corporation of Round Rock, Texas, utilizing DIR Contract DIR-SDD-1014 in the amount of \$83,692.**

**(L) 2013-6921-R: Consider adopting a resolution authorizing a one year lease agreement with the Texas Forest Service for lease of space in the Public Services Building.**

**(M) 2013-4582: SECOND READING: Consider adopting an ordinance establishing school crosswalks and setting speed limits within school zones to conform to school schedules.**

**(N) 2013-6922-R: Consider adopting a resolution authorizing an interlocal agreement with Bell County for use of the County's software and fiber optic network to process and maintain records regarding early voting, in the amount of \$1,370.**

**(O) 2013-6923-R: Consider adopting a resolution declaring the candidate for the May 11, 2013 District 4 City Councilmember as unopposed and elected to office, thereby canceling the May 11, 2013 City General Election in District 4.**

**(P) 2013-6924-R: Consider adopting a resolution appointing election judges and setting their compensation for the City's election to be held on May 11, 2013.**

**(Q) 2013-6925-R: Consider adopting a resolution supporting HB1472, a bill in the Texas Legislature that provides for an additional mechanism for disposing of certain surplus real property owned by the City of Temple.**

Motion by Mayor Pro Tem Danny Dunn adopt Resolution approving Consent Agenda. seconded by Councilmember Judy Morales.

**(P) 2013-6924-R: Consider adopting a resolution appointing election judges and setting their compensation for the City's election to be held on May 11, 2013.**

Motion by Councilmember Perry Cloud adopt resolution as presented. seconded by Councilmember Russell Schneider.

Motion passed unanimously.

## **VI. REGULAR AGENDA**

### **ORDINANCES**

6. **2013-4579: SECOND READING - Z-FY-13-10: Consider adopting an ordinance authorizing a zone change from Planned Development with specific uses of shopping center and housing development to Commercial (to permit billboard sign) on 0.52 ± acres of Creekside Planned Development Temple, Bell County, Texas according to the plat recorded in Volume 1528, Page 813, of the real property records of Bell County, Texas, located at 3602 SW H K Dodgen Loop.**

Beverly Zendt, Interim Director of Planning and Development, presented this case to Council. She gave a brief overview of the proposed placement of sign. This is for a zoning change from Planned Development with specific uses of shopping center and housing development to Commercial. The applicant, Lamar Advertising has requested this change for the purpose of placing an off-premise sign.

Ms. Zendt stated the City's Comprehensive Plan and Land Use Map designates this property as Auto-Urban Commercial. She also reviewed Section 4.3.18 of the Unified Development Code and the uses permitted for commercial zoning.

There were nine notices mailed out with zero returned in favor and one in disapproval. This use is consistent with land use map and would eliminate the non-conforming use on the property.

Steve Niemeier, 2619 Timber Ridge Rd, Temple stated his opposition for the zoning change and placement of the proposed sign. Mr. Niemeier stated his office building is directly across for the proposed location and is concerned the sign would become digital in the future, with out having to come to staff.

Mat Naegle, Lamar Advertising, 5110 North General Bruce Drive noted this property, if rezoned will be consistent with other properties in the area. He stated they have been responsible from the beginning of the process. This have made costly concessions and the intent of this sign is not to be digital.

Councilmember Schneider stated if the sign is not digital and the bottom of the sign is 15'-20' feet above the roof line of the office building, he could support this case.

Mayor Pro Tem Dunn requested clarification on whehter sign would or would not be digital in the future.

Mr. Naegle responded and stated yes, intentions could change for the sign; but now the sign is not proposed to be digital.

Motion by Councilmember Russell Schneider adopt Ordinance as presented, on second and final reading. seconded by Councilmember Judy Morales.

Councilmember Cloud and Mayor Pro Tem Dunn voted no; all others voted aye.

Councilmember Perry Cloud and Mayor Pro Tem Danny Dunn voted nay. The other Councilmembers voted aye. The motion passed.

**7. 2013-4583: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance updating the City of Temple's Water Conservation & Drought Contingency Plan.**

Brynn Myers, Director of Administrative Services, presented this item to Council. Title 30 of Texas Administrative Code requires that public water systems have a contingency plan in place in case of drought or similar water shortages. In March 2002, the City Council adopted the initial Water Conservation & Drought Contingency Plan; of which provides a mechanism for conservation of available water supply; protection of the integrity of water facilities; and protection of the public health, safety, and welfare of the community. Ms. Myers, noted the current plan is based on response stages; with triggering criteria established for each stage; and water use restrictions for each stage.

Ms. Myers stated the proposed amendments is to (1) simplify the language and use Water Conservation verses drought Contingency; (2) revise the number of stages from 5 to 4 to more closely coordinate with the Brazos River Authority's Water Conservation Plan; and (3) to updated the triggers and response measures. Ms. Myers explained each of the triggering events and responses.

Mr. Blackburn stated this plan is used every year by staff and is a critical document for us to have. We can also anticipate that TCEQ will place more restrictions on our usage and plans.

Mayor Jones declared the Public Hearing open with regards to Agend Item 7 and asked if anyone wished to address this item. There being no further comments, Mayor Jones declared the Public Hearing closed.

Motion by Mayor Pro Tem Danny Dunn adopt Ordinance, with second and final reading set for April 18, 2013. seconded by Councilmember Judy Morales.

Motion passed unanimously.

## RESOLUTIONS

8. **2013-6926-R: Consider adopting a resolution appointing members to the following City boards and commissions:**

**(A) Temple Public Safety Advisory Board - one member to fill unexpired terms through September 1, 2013; and**

Recommended that Mr. Bill Bogucki fill the unexpired term to the PSAB through September 1, 2013

**(B) Animal Services Advisory Board - one member to fill an unexpired term through September 1, 2015.**

Recommended that Ms. Shirlene Lykins fill and unexpired term to the ASAB through September 1, 2015.

Mayor Jones presented this item to Council.

Motion by Councilmember Perry Cloud adopt Resolution. seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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William A. Jones, III, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary

## TEMPLE CITY COUNCIL

**APRIL 18, 2013**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday, April 18, 2013 at 3:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud  
Mayor Pro Tem Danny Dunn  
Councilmember Russell Schneider  
Councilmember Judy Morales  
Mayor William A. Jones, III

**1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, April 18, 2013.**

Item 4(H) - 1st Amendment to the 2011 Economic Development Agreement with Panda. Mr. Graham stated Panda has requested this item be pulled for later consideration.

Item 6 - UDC Amendments for Shelters. Councilmember Morales asked that this be discussed. Ms. Zendt gave a brief overview of this item to the Council

Councilmember Morales inquired on the restrictions for Social Service Shelters.

Ms. Zendt stated they will go through the P&Z and Council for approval of zoning and CUP.

Item 7 - Chapter 12 Code Amendments. Mr. Blackburn stated this item will need additional work and staff was waiting on a letter of support from TABA.

Item 8 - final plat of High Crest. Mr. Blackburn stated there are no plans for annexation or park for this area in the next five years.

Item 9 - 380 Agreement with Buc-ee's, Lt. Mr. Beaver was present and addressed the Council. He noted this project is proposed to be 60,000 square feet. He also stated there will be at least 150 employees, must of which will be full time.

At this time Mayor Jones stated item 3 on the workshop agenda would be discussed.

2. **Discuss authorizing Economic Development Agreements related to Buc-ee's, Ltd.**

***Executive Session: Pursuant to Section 551.087 of the Government Code, the City Council may meet in executive session to discuss either commercial or financial information that the City has received from a business prospect that the City wishes to locate, stay or expand within the City limits and with which the City is conducting economic development negotiations, or to deliberate the offer of a financial or other incentive to a business prospect the public discussion of which would adversely affect ongoing economic development negotiations.***

3. **Receive a City Council continuing education briefing on City Boards and Commissions.**

Mr. Graham and Ms. Borgeson reviewed the City's Board and Commissions. Mr. Graham discussed the policies and procedures; appointment process; membership; orientation; requirements and reports.

Mr. Blackburn asked Council if they wish to have annual reports from the boards and commissions.

Mayor Jones stated we need to have annual reports.

At this time, approximately 4:24 pm, Mayor Jones stated the City Council would enter into an executive session to discuss item 2 on the workshop agenda.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, April 18, 2013 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Perry Cloud  
Mayor Pro Tem Danny Dunn  
Councilmember Russell Schneider  
Councilmember Judy Morales  
Mayor William A. Jones, III

**I. CALL TO ORDER**

**1. Invocation**

Thomas Pechal with Temple Fire & Rescue voiced the Invocation.

**2. Pledge of Allegiance**



Tanya Gray, Executive Director, Keep Temple Beautiful led the Pledge of Allegiance.

## **II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

### **3. (A) Arbor Day April 26, 2013**

Mayor Jones presented the Proclamation to Val Roming.

### **(B) Administrative Professionals Week April 21 - 27, 2013**

Mayor Jones presented the Proclamation to City Staff and thanked them for their services.

### **(C) Global Youth Service Day April 27, 2013**

Mayor Jones presented the Proclamation to Tanya Gray, Executive Director, Keep Temple Beautiful.

### **(D) Keep Temple Beautiful E-Waste Event April 20, 2013**

Mayor Jones presented the Proclamation to Tanya Gray, Executive Director, Keep Temple Beautiful.

### **(E) Recognize Christin Moeller for her quick actions that limited fire damage to West Avenue T Church of Christ.**

Chief Wallace recognized Christin Moeller.

## **III. PUBLIC COMMENTS**

Mayor Jones stated that no one had signed up to speak during this portion of the meeting.

## **IV. CONSENT AGENDA**

### **4. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:**

**(A) 2013-6927-R: Consider adopting a resolution ratifying an emergency contract with Bell Contractors of Belton for the emergency replacement of a 6" sewer line using the pipe bursting method in the area of North 8th Street and Houston Avenue in the amount of \$55,148.**

**(B) 2013-6928-R: Consider adopting a resolution authorizing the**

**purchase of a replacement surface wash pump in the conventional water treatment plant from Austin Armature Works, LP of Buda in the estimated amount of \$32,283.23.**

**(C) 2013-6929-R: Consider adopting a resolution ratifying a contract between the City of Temple and the Department of the Army, Corps of Engineers to reimburse the city for salary and benefit expenses related to police patrols at Temple's Lake Park from May 11, 2013 through September 2, 2013.**

**(D) 2013-6930-R: Consider adopting a resolution authorizing the Five Year Dedicated Access Services (Telephone and Data Service) agreement with Time Warner Cable in the amount of \$26,292 for the first year of the agreement.**

**(E) 2013-6931-R: Consider adopting a resolution authorizing a service agreement with Siemens Industry, Inc. of Sarasota, Florida, for the service/supplier of chlorine dioxide/sodium chlorite at a cost of 59.3¢ per wet pound in the estimated annual amount of \$200,000.**

**(F) 2013-6932-R: Consider adopting a resolution authorizing a Wholesale Water Supply Agreement between the City of Temple and the City of Morgan's Point Resort.**

**(G) 2013-6933-R: Consider adopting a resolution authorizing an amendment to a professional services agreement with Jacobs Engineering Group, Inc. for design and construction phase services associated with Phase 2, and design services associated with remaining Phases 3, 4, and 5 of the Bird Creek Interceptor Project in an amount not to exceed \$74,688.**

**(H) 2013-6934-R: Consider adopting a resolution authorizing the execution of the First Amendment to the 2011 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation, and Panda Temple Power, LLC.**

**(I) 2013-4583: SECOND READING: Consider adopting an ordinance updating the City of Temple's Water Conservation & Drought Contingency Plan.**

**(J) 2013-6935-R: Consider adopting a resolution authorizing acceptance of additional grant funding in the amount of \$579,550 from the Texas Department of Transportation, Aviation Division, Airport Project Participation Grant Fund, for reconstruction, rehabilitation and overlay of Runway 02/20, Taxiways A, B, C, D,**

**E, F and the aircraft parking apron at the Draughon-Miller Central Texas Regional Airport, with an estimated City match of 10% or \$57,955.**

**(K) 2013-6936-R: Consider adopting a resolution ratifying the submission of an application for funding through the Railroad Commission of Texas to supplement the purchase of one compressed natural gas refuse trucks in the amount of \$62,763.**

**(L) 2013-6937-R: Consider adopting a resolution authorizing the submission of an application for funding through the Texas Comptroller of Public Accounts, State Energy Conservation Office to supplement the purchase of four compressed natural gas refuse trucks in the amount of \$191,421.**

**(M) 2013-6938-R: Consider adopting a resolution authorizing funding from the Child Safety Fees for the 2013 Junior Fire Cadet Program in the amount of \$28,286.**

**(N) 2013-6939-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.**

Motion by Councilmember Judy Morales adopt Resolution approving Consent Agenda with excpetion of item 4(H). seconded by Mayor Pro Tem Danny Dunn.

Motion passed unanimously.

**(H) 2013-6934-R: Consider adopting a resolution authorizing the execution of the First Amendment to the 2011 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation, and Panda Temple Power, LLC.**

Mr. Graham, stated this item is not ready to move forward and suggested that no action be taken on this item.

## **V. REGULAR AGENDA**

### **ORDINANCES**

- 5. 2013-4584: FIRST READING - PUBLIC HEARING - A-FY-13-10: Consider adopting an ordinance abandoning an existing alley with a width of 20 feet and depth of 300 feet, located in Block 35, Original Town of Temple, between the south right-of-way line of East Avenue B and the north right-of-way line of East Avenue C and between South 2nd**

**Street and South 4th Street, more fully shown in the attached exhibit; and reserving a public drainage and utility easement in the entire abandoned rights-of-way.**

Tammy Lyerly, Senior Planning Director, presented this case to Council. Ms. Lyerly stated the subject property owner is R.G.R Inc., and is proposed to be a joint use parking lot for the W.R. Poage Federal Office Building and the City of Temple. Utility providers have been notified and there are no objections as long as a public drainage and utility easement is retained for access to existing service lines in the alley. Ms. Lyerly also noted that a fence is being proposed for a portion of the area. Staff recommends approval of the requested alley abandonment; and reserving a public drainage and utility easement in the entire abandoned rights-of-way.

Mayor Jones declared the Public Hearing open with regard to Agenda Item 5 and asked if anyone wished to address this item. Adam Lambert, rep of rgr. seeking support for the project. 28 spaces designated for city use, others will be federal use. There being none, Mayor Jones declared the Public Hearing closed. RS - what will fence look like? Mr. Lambert - chain link, fiber mesh with barbed wire; spec for federal gov. JM - landscaping in plot Mr. Lambert - yes, we have a plan showing the trees

Mayor Jones declared the Public Hearing open with regard to Agenda Item 5 and asked if anyone wished to address this item.

Adam Lambert, representative for R.G.R, Inc. addressed the Council and asked them for their support for the project. He added this will add 28 parking spaces designated for city use, and others in federal building.

There being none, Mayor Jones declared the Public Hearing closed.

Councilmember Schneider inquired on the what will fence look like.

Mr. Lambert advised it would be a chain link fence, with fiber mesh and barbed wire. He added this are specific requirements for federal government properties.

Councilmember Morales inquired on landscaping in and around the parking lot area.

Mr. Lambert noted the current plans shows proposed trees.

Councilmember Morales asked what other security will be on the property?

Mr. Lambert stated there will be cameras, as well as gate access to three locations of the yard which has been coordinated with the Fire Department.

Councilmember Schneider inquired on how the landscaping plan was determined for this project? Will it come back to council?

Ms. Lyerly stated this is part of the building permit process and should not come back to the Council.

Motion by Mayor Pro Tem Danny Dunn adopt Ordinance as presented, with second and final reading set for May 2, 2013. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

6. **2013-4585: FIRST READING - PUBLIC HEARING - Z-FY-13-14: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11, related to the following land uses: boarding/rooming house; correctional facility; halfway house; institution for alcoholic and narcotic patients; institution, religious, charitable, philanthropic nature; substance abuse treatment facility; social service shelter; and transitional or emergency shelter.**

Beverly Zendt, Interim Planning Director, presented this case to Council. Ms. Zendt noted this item was to provide and update definitions; identify appropriate districts; identify uses to be regulated with a Conditional Use Permit; and to update Section 5.1 Use Table of the Unified Development Code to reflect those recommendations.

Next, Ms. Zendt reviewed the terms and definitions for Correctional Facility; Social Service Shelter; Substance Abuse Treatment Facility; Halfway House; and Boarding House/Rooming House. The UDC was amended to read, 'Transitional, Emergency or Social Service Shelter'. Ms. Zendt concluded with staff's recommendation for approval of amendments to Ordinance 2010-4413, and Temple Unified Development Code, Articles 5 and 11 as presented.

Mayor Jones declared the Public Hearing open with regard to Agenda Item 6 and asked if anyone wished to address this item. There being none, Mayor Jones declared the Public Hearing closed.

Motion by Councilmember Perry Cloud adopt Ordinance as presented, with second and final reading set for May 2, 2013. seconded by Councilmember Russell Schneider.

Motion passed unanimously.

- 7. 2013-4586: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance amending Chapter 12, "Fire Prevention and Protection," Article IV, Section 12-10; Article V, Section 12-13 Private Fire Apparatus Access Road and Fire Lanes; and Article V, Section 12-14 Fire Hydrants, of the Code of Ordinance of the City of Temple, Texas**

Mr. Blackburn noted that staff has more work to do with this item of which can be done between both readings.

Chief Wallace provided a brief overview of the proposed amendments.

Mayor Jones declared the Public Hearing open with regard to Agenda Item 7 and asked if anyone wished to address this item. There being none, Mayor Jones declared the Public Hearing closed.

Motion by Councilmember Judy Morales adopt Ordinance as presented, with second and final reading set for May 2, 2013. seconded by Councilmember Perry Cloud.

## **RESOLUTIONS**

- 8. 2013-6940-R: P-FY-13-17: Consider adopting a resolution approving the Final Plat of High Crest Phase II, a 36.345 ±, 57-lot, 4-block, residential subdivision, with developer requested exceptions to local regulations related to: street width, payment of park fees, slope design (roadside swales), detention and mitigation, minimum number of entrances, and the provision of no-parking signs; located on east side of Bowles Ranch Road, north of FM 439, in Temple's western ETJ.**

Beverly Zendt, Interim Planning Director, presented this case to

Council. Ms. Zendt also noted that this is in the City's western ETJ; being located at the East Side of Bowles Ranch Road, north of FM 439. She then reviewed the exceptions being requested by the applicant. There is a 14' waterline available on Bowles Ranch Road; 439 Water Supply services the site; and there are on-site sewage facilities available. Ms. Zendt noted that Staff recommends approval for all proposed exceptions except the waiver of park fees. This development will cause there to be more than nine lots.

Councilmember Schneider asked if the city is responsible in the ETJ for drainage mitigation that we inherit?

Mr. Graham indicated no.

Victor Turley, Turley and Associates 301 North 3rd Street stated they have been working on this project since 2007; and is seeking support from the City.

Mayor Jones clarified, that the Planning and Zoning Commission approved all requested exceptions to include the park fees.

Motion by Councilmember Russell Schneider adopt Resolution with all requested exceptions by the applicant. seconded by Councilmember Judy Morales.

Motion passed unanimously.

**9. 2013-6941-R: Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation and Buc-ee's, Ltd.**

Jonathan Graham, City Attorney, presented this item to Council. Mr. Graham reviewed some of the terms within the agreement to include employment and sales tax. The city will commit to developing water and wastewater for this site as in our master plan. Mr. Graham also added, Buc-ee's has agreed to acquire a 30 acre tract to build a 60,000 s.f. Buc-ee's Travel Center. This is estimated to be a \$16 million investment and employee at least 150 full time and part time employees. He noted that TEDC has committed to making a one time \$500,000 contribution upon issuance of Certificate of Occupancy.

Mr. Blackburn stated this project was a team effort and recommended favorable consideration.

Motion by Councilmember Judy Morales adopt Resolution.  
seconded by Mayor Pro Tem Danny Dunn.

Motion passed unanimously.

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William A. Jones, III, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



## TEMPLE CITY COUNCIL

**MAY 2, 2013**

The City Council of the City of Temple, Texas conducted a Special Meeting on Thursday May 2, 2013 at 3:30 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud  
Mayor Pro Tem Danny Dunn  
Councilmember Russell Schneider  
Councilmember Judy Morales  
Mayor William A. Jones, III

**1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 2, 2013.**

Consent Agenda Item #5(A) - Water Meter Reading Services. Ms. Barnard explained that over the past year a comprehensive cost analysis took place. This will be a phase approach, with no additional costs.

Consent Agenda Item #5(B) - 380 Agreement with HEB. Mr. Graham stated this item is not ready to move forward.

Consent Agenda Item #5(C) - 380 Agreement with TEDC. Mr. Graham stated this item is not ready to move forward.

Consent Agenda Item #5(F) - UDC Amendments for Social Services. Mr. Blackburn noted there are 20 known locations by staff. New facilities will be required to obtain Conditional Use Permit; but the existing institutions will remain, legal/ non-conforming no CUP. If the existing institutions trigger the standards, then the CUP will be addressed.

Ms. Zendt discussed the amendment to section 5.3.12 of the UDC - using the term "considerations".

Consent Agenda Item #5(G) - Amendments to Chapter 12 "Fire". Mr. Blackburn stated this item is not ready to move forward, request that it be tabled to allow Staff time to work with TABA.

Regular Agenda Item #6 - CUP Off Premise Sign. - Ms. Zendt stated Staff's recommendation is not with P&Z's. This is City Entry point, and has strict standards.

Councilmember Schneider asked if there two different district requirements

for the Loop and IH-35.

Ms. Zendt stated yes. IH-35 is 1,500' and the Loop is 2,000'.

Regular Agenda Item #8 - implementation of City-Wide Curbside Recycling Program. Mr. Blackburn reviewed this item with Council. This pilot program has been underway since Summer 2011, including 20% of total residential customers. Twice a week service will be maintained to include one garbage and one recyclable. He mentioned what items are accepted and that we are utilizing current collection trucks for automated, co-mingled collections. Staff has been tracking and evaluating the data in a variety of metrics during this pilot.

After the Council's discuss at their February retreat, Staff proceeded with soliciting competitive proposals to identify a private partner to assist the City in program implementation. The Staff evaluation committee established criteria for scoring, and recommends negotiation of a contract with Balcones Resources, Inc. Balcones is willing to immediately construct a processing facility in the Temple, but both Staff and Balcones agrees that an interim solution of using Temple Iron and Metal as a transfer station may be the best option to initiate a City-wide curbside recycling program.

Mr. Blackburn reviewed the parameters for negotiating to include: no out of pocket cost to the City; a term not to exceed 10 years is desired; an early termination clause; and a favored municipality clause. To fully implement the residential curbside program, additional containers will need to be purchased, along with other incidental program cost through the upcoming budget process (estimated total cost of \$1M). A reasonable time-frame for implementation would be around December 2013. Mr. Blackburn also noted the estimated total annual revenue for the City-wide recyclable collections and associated savings from reduced landfill diversions to be \$80,000. He stated it is his recommendation to proceed with implementation city-wide and to negotiate a contract with Balcones.

Councilmember Schneider expressed his concerns with spending \$830,000 for containers and start-up.

Ms. Barnard, reviewed the cost analysis with Council.

At this time, approximately 4:17 pm, Mayor Jones stated the Council will enter into executive session with possible action at the regular session, item #5(d), of the meeting.

**2. Discuss acquisition of properties near the City of Temple's landfill in regards to future landfill expansion.**

***Executive Session - Pursuant to Chapter 551, Government Code § 551.072 - Real Property - The City Council may enter into executive***

***session to discuss the purchase, exchange, lease or value of real property relating to City projects, the public discussion of which would have a detrimental effect on negotiations with a third party.***

At this time, approximately 4:40 pm, Mayor Jones stated the Council would enter into executive session to discuss item #3 on the workshop agenda.

- 3. Executive Session: Chapter 551, Government Code, §551.071 - Consultation with Attorney - The City Council will meet in executive session with the City Attorney to discuss pending and contemplated litigation.**

***City Attorney will discuss pending and contemplated litigation cases as outlined below:***

***Jeffrey Walker Kindred v. City of Temple Police Department, et al -  
Cause No. W-12-CA-252 in the United States District Court  
for the Western District of Texas;***

***Willis Martin, Jr. v. City of Temple, Texas, et al -  
Cause No. W-10-CA-166 in the United States District Court  
for the Western District of Texas;***

***Larry Robinson v. City of Temple, Texas, et al -  
Cause No. S-12-CA-309 in the United States District Court  
for the Western District of Texas, Waco Division;***

***Potential Claim by Christopher J. Grisham  
Joseph Alvarez, et al v. City of Temple Police Department, et al -  
TML Claim #: 1300196529;***

***Carla Mahan, Individually and as Next Friend of Her Minor Son,  
Trapper John Mahan v.  
The City of Temple, Texas, et al -  
TML Claim #: 1200193837;***

***Rebecca Lock v. City of Temple, et al -  
TML Claim #:1300196579;***

***Martha Jane Trudo v. City of Temple Police Department, et al -  
TML Claim #:1300196342***

The City Council of the City of Temple, Texas conducted a Regular Meeting on

Thursday, May 2, 2013 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Perry Cloud  
Mayor Pro Tem Danny Dunn  
Councilmember Russell Schneider  
Councilmember Judy Morales  
Mayor William A. Jones, III

**I. CALL TO ORDER**

**1. Invocation**

Pastor Billy Koinm with Heights Baptist Church voiced the Invocation.

**2. Pledge of Allegiance**

Preston Watson, Troop 153, led the Pledge of Allegiance.

**II. PROCLAMATIONS & SPECIAL RECOGNITIONS**

**3. (A) Youth Week, Temple Elks Lodge May 1-7, 2013**

Mayor Jones presented the proclamation to Willie Capps, Youth Activities Chairman, Elks Lodge #138, recognizing Youth Week from May 1, 2013 through May 7, 2013.

**III. PUBLIC APPEARANCES**

**4. (A) Receive presentation from Preston Watson, Life Scout, regarding improvements to Fire Station #7.**

Council received a presentation from Preston Watson, Life Scout Troop 153, regarding improvements to Fire Station #7.

**(B) Receive comments from Mark Clardy regarding support of funding for park improvements in the 2013-2014 Budget.**

Council received comments from Mark Clardy regarding support of funding for maintenance improvements to the soccer field infrastructure. Mr. Clardy thanked staff for maintenance performed with the dollars provided, and asked that dollars be added to the Parks Budget accordingly for continued improvements.

**(C) Receive comments from Alicia Dunn regarding support of**

**funding for park improvements in the 2013-2014 Budget.**

Council received comments from Alicia Dunn regarding support of funding for park improvements. Mrs. Dunn thanked the Council on behalf of Dr. Bob Pryor, and Scott & White Healthcare, for their strong support of parks, trails, and green space within our community, and asked the city for their continued commitment to the betterment of our beloved community.

**(D) Receive presentation from Tanya Grey, Executive Director, Keep Temple Beautiful, regarding the Canyon Creek Planting and partnership with TXU Energy.**

Council received a presentation from Tanya Grey, Executive Director, Keep Temple Beautiful, regarding the Canyon Creek Planting and partnership with TXU Energy.

**IV. PUBLIC COMMENTS**

Ms. Betty Elliott, addressed the council with comments on the train. Ms. Elliott thanked the Council for their continue communications with the citizens and wished the best to the upcoming Mayor and Mayor Jones.

**V. CONSENT AGENDA All items listed under this section, Consent Agenda, are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda at the request of any Councilmember and will be considered separately.****5. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:**

**(A) 2013-6942-R: Consider adopting a resolution authorizing a service agreement with Alexander's Contract Services, Inc. of Atascadero, CA, for contracted water meter reading services in an annual amount not to exceed \$270,000.**

**(B) 2013-6943-R: Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation and HEB Grocery Company, LP.**

**(C) 2013-6944-R: Consider adopting a resolution authorizing the execution of a Chapter 380 Agreement with Temple Economic Development Corporation to convey an 8.14 acre tract of City owned property to TEDC for economic development purposes.**

**(D) 2013-6945-R: Consider adopting a resolution authorizing the acceptance of an assignment of a Commercial Contract from W.C. Patterson for the purchase of property located at 17 South 7th Street, Temple, Texas 76501.**

**(E) 2013-4584: SECOND READING - A-FY-13-10: Consider adopting an ordinance abandoning an existing alley with a width of 20 feet and depth of 300 feet, located in Block 35, Original Town of Temple, between the south right-of-way line of East Avenue B and the north right-of-way line of East Avenue C and between South 2nd Street and South 4th Street, more fully shown in the attached exhibit; and reserving a public drainage and utility easement in the entire abandoned rights-of-way.**

**(F) 2013-4585: SECOND READING - Z-FY-13-14: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11, related to the following land uses: boarding/rooming house; correctional facility; halfway house; institution for alcoholic and narcotic patients; institution, religious, charitable, philanthropic nature; substance abuse treatment facility; social service shelter; and transitional or emergency shelter.**

**(G) 2013-4586: SECOND READING: Consider adopting an ordinance amending Chapter 12, "Fire Prevention and Protection," Article IV, Section 12-10; Article V, Section 12-13 "Private Fire Apparatus Access Road and Fire Lanes"; and Article V, Section 12-14 "Fire Hydrants", of the Code of Ordinance of the City of Temple, Texas. Misc.**

**(H) 2013-6946-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.**

Motion by Councilmember Judy Morales adopt Resolution approving Consent Agenda, with the exception of item 5(A), (D), (E), and (H). seconded by Mayor Pro Tem Danny Dunn.

Motion passed unanimously.

**(B) 2013-6943-R: Consider adopting a resolution authorizing a Chapter 380 Economic Development Agreement between the City of Temple, Temple Economic Development Corporation and HEB Grocery Company, LP.**

Mr. Graham stated Staff recommends this item be pulled from the Agenda for continued work, with the anticipation of brining this item back in June,

and take no action.

**(C) 2013-6944-R: Consider adopting a resolution authorizing the execution of a Chapter 380 Agreement with Temple Economic Development Corporation to convey an 8.14 acre tract of City owned property to TEDC for economic development purposes.**

Mr. Graham stated Staff recommends this item be pulled from the Agenda for continued work, with the anticipation of bringing this item back in June, and take no action.

**(F) 2013-4585: SECOND READING - Z-FY-13-14: Consider adopting an ordinance authorizing amendments to Ordinance 2010-4413, Temple Unified Development Code, Articles 5 and 11, related to the following land uses: boarding/rooming house; correctional facility; halfway house; institution for alcoholic and narcotic patients; institution, religious, charitable, philanthropic nature; substance abuse treatment facility; social service shelter; and transitional or emergency shelter.**

Ms. Zendt stated that per workshop considerations, staff recommends amending section 5.3.12 to make spacing standards, identified in A and B, items to be considered in determining approval of a CUP. Staff recommends all other standards remain.

Motion by Councilmember Judy Morales adopt Resolution seconded by Councilmember Russell Schneider.

Motion passed unanimously.

Mr. Blackburn stated Staff recommends motion to table for further study with the anticipation of bringing this item back before Council for the May 16, 2013 City Council Meeting.

**(G) 2013-4586: SECOND READING: Consider adopting an ordinance amending Chapter 12, "Fire Prevention and Protection," Article IV, Section 12-10; Article V, Section 12-13 "Private Fire Apparatus Access Road and Fire Lanes"; and Article V, Section 12-14 "Fire Hydrants", of the Code of Ordinance of the City of Temple, Texas.**

Motion by Mayor Pro Tem Danny Dunn table. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

**(G) 2013-4586: SECOND READING: Consider adopting an ordinance**

amending Chapter 12, "Fire Prevention and Protection," Article IV, Section 12-10; Article V, Section 12-13 "Private Fire Apparatus Access Road and Fire Lanes"; and Article V, Section 12-14 "Fire Hydrants", of the Code of Ordinance of the City of Temple, Texas.

## VI. REGULAR AGENDA

### ORDINANCES

6. **2013-4587: FIRST READING - PUBLIC HEARING - Z-FY-13-15: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign (billboard) relocation closer than 2,000 feet from another off-premise sign at 1611 Commerce Street.**

Beverly Zendt, Interim Director of Planning, gave a brief overview of this case to the Council. Ms. Zendt state the applicant has requested an off-premise sign relocation. The current sign is located on the West side if IH35 approximately .55 miles south of North Loop 363. The proposed location is 1611 Commerce Street. The proposed relocation meets all of the requirements authorizing a Conditional Use Permit with the exception the spacing requirement. Ms. Zendt stated 4 notices were mailed out to the surrounding property owners and 1 was returned in opposition. Staff is recommending disapproval of the Conditional Use Permit as the spacing requirements between two signs have not been met. This case was heard at the Planning and Zoning Commission Meeting on April 1, 2013. The Commission voted 6/0 in favor of the proposed Conditional Use Permit.

Mayor Jones declared the Public Hearing open with regards to Agenda item 6 and asked if anyone wished to address this item.

Mat Naegle, Lamar Advertizing, 5110 N. General Bruce Drive commented on this request. Mr. Naegle informed the Council this was a forced relocation due to the widening of IH35 and meets 100% criteria for TxDOT to relocate. Mr. Naegle noted this is smaller, single-faced sign and will not be seen by the East bound traffic. Teresa Lange, Lamar Advertising, 5110 N General Bruce Drive, provided Council with a brief presentation giving a better perspective of the dimensions and and how the sign will sit on the property. There being no further, Mayor Jones declared the Public Hearing closed.

Mayor Jones addressed his concerns regarding the future



development that this may inhibit.

Councilmember Schneider stated if the sign had been positioned at a slightly different angle, the relocation would meet all of the Conditional Use Permits as required.

Councilmember Morales noted the number of signs located in this area, and they appeared to be clustered together which does not coincide with the desired appearance for this location.

Mayor Jones voted No, Councilmember Morales voted No, all other voted Aye.

Motion by Mayor Pro Tem Danny Dunn adopt Ordinance as presented in item description, with second and final reading set for May 16, 2013. seconded by Councilmember Perry Cloud.

Councilmember Judy Morales and Mayor William A. Jones, III voted nay. The other Councilmembers voted aye. The motion passed.

## RESOLUTIONS

7. **2013-6947-R: Consider adopting a resolution authorizing the purchase of a tract of land near the City of Temple's landfill.**

Jonathan Graham, City Attorney, presented this item to Council. Staff recommends authorizing a Resolution approving the purchase for \$35,000 plus \$5,000 for closing costs.

Motion by Councilmember Perry Cloud adopt Resolution. seconded by Councilmember Judy Morales.

Motion passed unanimously.

8. **2013-6948-R: Consider adopting a resolution authorizing the City Manager to implement a City-wide residential curbside recycling program and to negotiate and enter into a contract with Balcones Resources, Inc. of Austin for processing and marketing services needed to implement a City-wide residential curbside recycling program.**

David Blackburn, City Manager, presented this item and provided a brief overview on the City's curbside recycling program. Mr. Blackburn noted considerations

for Residential Curbside Recycling to include surveys and customer feedback indicate curbside recycling service is desired; the managing of existing landfill space, and resources, wisely; and to slow future and increasing disposal costs. The Pilot Program started with one route in the summer of 2011 and expanded over the next 18 months at no additional costs to the customers. Mr. Blackburn briefed Council on what materials are accepted, how they are collected, and how materials are processed. Participation ranged from 70% to 25% which was based on weekly container set outs. Paper and plastics represent the majority of the recyclables and all but one pilot area experienced 90% plus rate on quality of recyclables. Mr. Blackburn noted no significant operational issues were experienced and the vast majority of feedback has been positive. The Council received a briefing on February 14, 2013 and the City Manager was directed to proceed with a request for Proposals to identify a potential private partner to assist in implementation of city wide residential recycling program and return to Council with recommendations after proposals received. The parameters included extending the life of the landfill, enhance solid waste services to customers with no additional costs to customers, maintaining a bi-weekly collection program with one day for garbage, and one day for recyclables, the City's desire for a recycling processing facility in, or within close proximity, and to work toward future development of a Materials Recovery Facility. Mr. Blackburn noted a staff evaluation committee was established for scoring. Three proposals were received with Balcones Resources' proposal rated highest by the evaluation committee. Balcones proposal included a guaranteed \$5/ton (\$0.0025 per pound) return for City-collected recyclables; along with \$1/ton to the City for 3rd party tons; the collaboration with Temple Iron & Metal for an interim transfer station for the recyclables; no out-of pocket cost to the City; a term not to exceed 10 years is desirable, with an early termination clause should regional actions dictate. The estimated annual net revenue based on landfill diversion is \$80,000 not taking into account additional operational costs. To fully implement the residential curbside program city-wide, additional containers will need to be purchased, along with other incidental program costs through the upcoming budget process with an estimated cost of about \$930,000. Mr. Blackburn recommends to proceed with implementation of a City-wide Residential Curbside Recycling Program and to negotiate an agreement with Balcones Resources for processing and marketing services needed to implement a City-wide program within the parameters discussed.

Councilmember Dunn questioned if the existing pilot programs will continue without a break in the program.

Mr. Blackburn noted this would be contingent upon Council direction.

Councilmember Schneider commented during the February workshop, the City would need to receive approximately .1 cent to make this program flush with no cost to the City. Councilmember Schneider noted although this can be absorbed in the current budget, the City would still spend in excess of \$900,000 on containers which could be utilized in other areas, and noted this program would not pay for itself.

Councilmember Dunn stated he knew there would be up front costs and noted one of the most common questions received is do we currently have a recycling program and feels this is necessary to help our community grow.

Mayor Jones noted if the City decided to move forward, nothing would prohibit a rate increase to assist with funding.

Mr. Blackburn noted the proposal presented this evening did not include a rate increase, but if the Council desired to adjust the rates by .38 cents per household, this would take care of the costs associated with the containers.

Councilmember Cloud noted the cost is not a surprise at this point and time, and is in support of the program.

Mayor Jones noted the need to be socially responsible to preserve the life of our landfill.

Councilmember Morales noted this is a continued part of our growth in the community, we need to preserve what we have now, and invest in the future.

Michael Cleghorn, Director of Solid Waste, City of Killeen, commented the City of Killeen has been directed to look into this program as well and currently have 3,550 paid subscription customers with the potential to save 11,000 tons with the participation rate.

Councilmember Schneider vote No, all other voted Aye.

Motion by Mayor Pro Tem Danny Dunn adopt Resolution. seconded by Councilmember Perry Cloud.

Councilmember Russell Schneider voted nay. The other Councilmembers voted aye. The motion passed.

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William A. Jones, III, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary

# **SPECIAL MEETING OF THE TEMPLE CITY COUNCIL**

**MAY 14, 2013**

## **I. CALL TO ORDER**

### **1. Invocation**

voiced the Invocation.

### **2. Pledge of Allegiance**

led the Pledge of Allegiance.

## **II. ELECTION ITEMS**

### **3. 2013-6959-R: Consider adopting a resolution canvassing the returns of the May 11, 2013 City of Temple General and Special election.**

Jonathan Graham gave a brief overview of the results from May 11, 2013.

Motion by Councilmember Perry Cloud adopt Resolution. seconded by Councilmember Judy Morales.

### **4. Administer Oaths of Office to newly elected Councilmembers.**

At this time Municipal Court Judge, Kathleen Persons administered the Oaths of Office to the newly elected officials.

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William A. Jones, III, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary

## TEMPLE CITY COUNCIL

**MAY 16, 2013**

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 16, 2013 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Perry Cloud  
Councilmember Tim Davis  
Councilmember Russell Schneider  
Councilmember Judy Morales  
Mayor Danny Dunn

1. **Receive presentations from the following public service agencies regarding their activities and funding requests for FY 2013-2014:**

**Children's Advocacy Center  
Cultural Activity Center  
Hill Country Community Action Association  
Hill Country Transit District  
Hillcrest Cemetery  
Keep Temple Beautiful  
Ralph Wilson Youth Clubs of Temple, Inc.  
Temple Business Incubator  
Temple Civic Theatre  
Temple College Foundation  
Temple HELP Center**

Mr. Blackburn reviewed the public service agency funding process and the sources as well as the level of requests for FY 2013 and FY 2014. The City received \$448,630 in requests from 16 PSAs in FY 2013 and funded 15 at \$363,631. For FY 2014, the City has received 15 requests in the amount of \$503,910.

Representative present from each agency were asked to provide an overview of the agency as well as benefits of funding and consequences of not funding the program along with objectives and measures of the performance for the program.

At this time Mayor Jones recessed the Work Session.

2. **Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, May 16, 2013.**

Item 4(A)- contract for construction of CNG fueling station. Mr. Blackburn gave a brief overview on this item. He also stated this will help us to

diversify our fleet.

Item 4(C) - Amendments to Chapter 12 "Fire Prevention". Mr. Blackburn noted that Staff received the letter of support for the proposed amendments from TABA.

Item 4(D) - Lamar Advertising Sign relocation Z-FY-13-15. Councilmember Morales requested this item be removed for individual vote.

Item 6 - Amendments to Chapter 21. Ms. Landeros provided an overview of the proposed amendments.

Item 4(F) - submission of application for TIGER grant funding. Mr. Blackburn reviewed this item with Council.

**3. Receive second quarter financial results for Fiscal Year 2013.**

Mayor Dunn noted that Council had been provided the travel and meal expenditure report for the quarter ending March 31, 2013.

Ms. Barnard, Director of Finance, reviewed the second quarter financial report. She highlighted the major revenue sources, including the sales tax and ad valorem taxes. General Fund expenditures are at 63% of budget. Ms. Barnard provided the General Fund Forecase for year end and noted the revenue sources that contribute to this, as well as the expenditures that are both below and above budget. She noted that both fuel cost and fire overtime are areas being monitored.

**4. Discuss the City's strategic plan, to include the FY 2013-2014 budget process and calendar, and various strategic and budget related policy issues.**

Mr. Blackburn presented this item to the Council. He reviewed the Mission, Vision, and Strategic Focus Areas; Budget Calendar; Fence Posts; and selected Budget Issues. He stated our mission is to be the place of choice to live and work; and our vision is to provide the best jobs, best education, and best quality of life.

Next, Mr. Blackburn reviewed the Fence Posts of which are to maintain fiscal soundness; maintain the tax rate; focus on people; improve our core services; and the alignment of strategic, financial, and tactical plans. He noted in FY 2013 the budget included an allocation to implement the 2008 Compensation Study for General Government employees. He mentioned a few selected budget issues in FY 14 to be (1) Civil Service Compensation Plans; (2) Curbside Recycling; (3) East Temple Redevelopment Plan; (4) Transportation CIP; and (5) Water & Wastewater CIP.

Mr. Blackburn discussed the Curbside Recycling Program. He added he

was proposing to launch the program City wide on January 1, 2014, and infuse resources in order to implement the program. He asked Council for direction on preferences as to how to pay for residential curbside recycling costs associated with purchase of containers. He provided two options (1) adjust rates by .38 cents per month per residential customer; and (2) absorb the costs into short term debt issuance.

Ms. Barnard presented the Program Evaluation Financial Analysis Assumptions with Council. She noted the start-up container cost is \$900,000 plus other cost, totaling \$997,129.

Mr. Blackburn reviewed the plans for upcoming issuance of Limited Tax Notes to finance the purchase of 17 solid waste trucks; the CNG fueling station; and associated building improvements. He also noted the purchase of containers for the recycling program could also be financed by this method. The payback for notes will be from the use of CNG and sanitation system revenues.

Both Councilmember Schneider and Morales stated their recommendation is to increase the rate by .38 cents.

Councilmember Cloud stated the in the public meetings, the goal was to not increase the rate; but this may be the only way.

Next Mr. Blackburn discussed the East Temple Redevelopment Plan. He stated the stakeholders have been involved and have attributed to this plan. In the plan there are Immediate items, Short Term items, and Long Term items. He reviewed six general areas (1) Existing Residential Redevelopment; (2) Residential, Commercial, and Mixed-Use Infill Development; (3) Workforce Development/ Career Training/ Business Training; (4) Existing Commercial/ Industrial Redevelopment; (5) Greenfield Residential Development; and (6) Streetscape/ Public Realm/ Parks. Mr. Blackburn added is recommendation as being two part. First is to adopt a plan and resource the plan; and then to adopt, and modify, the plan in concert with your annual budget process. He noted the East Temple redevelopment is critical to the long term success of Temple. He also recommended the three areas of the proposal be addressed. Those are, Greenfield Development; Downtown Redevelopment; and Neighborhood Improvements. The FY 2014 CDBG Annual Action Plan includes an allocation for a parks project (estimated \$200,000 available). Some of the projects identified as potentially be eligible are football fields; mixed use redevelopment project along Avenue C and MLK; and MLK Community Park. Mr. Blackburn asked Council for direction in regards to these projects. What are the immediate priorities and projects? And how would you like to see the CDBG funds invested?

Councilmember Schneider stated he'd like to know what are budget can handle. He added he'd like to see infrastructure and foreclosed lots and



buildings. These are areas where the City can see a return on the investment.

Councilmember Morales, agreed. She stated the key component is the need for roof tops as this will help the school district grow. This will allow our citizens more choices as to where they wish to live. We need to maximize our resources.

Mayor Dunn asked if the proposed Code Enforcement Officer would be assigned to this quadrant of the city.

Mr. Blackburn stated yes. The primary area would be East Temple as a pilot program as this geographical part of the city receives more than 2/3 of the code enforcement complaints.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, May 16, 2013 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

**Present:**

Councilmember Perry Cloud  
Councilmember Tim Davis  
Councilmember Russell Schneider  
Councilmember Judy Morales  
Mayor Danny Dunn

**I. CALL TO ORDER**

**1. Invocation**

Lonzo Wallace, Fire Chief, voiced the Invocation.

**2. Pledge of Allegiance**

Beverly Zendt, Intermin Planning Director, led the Pledge of Allegiance.

**II. PUBLIC COMMENTS**

Sonjanette Crossley - 5102 Sturbridge Drive - Thank the City Council for thier tireless effort to make Temple better. She asked for favorable consideration in regards to the East Temple Plan when adopting the FY 2014 Budget.

Earl Lind, 3307 Laurel Lane, Killeen, TX addressed the Council and thanked them for their support and any inicitive to support East Temple. We need something that can be sustained.

Mr. Bill Leak, 5120 Waterford Drive, Temple expressed his appreciation to all that have come together to make the changes in East Temple a success.

Rev. Roscoe Harrison, 5222 JI Bruce Drive, Temple expressed his support for the redevelopment plan for East Temple.

### **III. ELECTION**

#### **3. 2013-6949-R: Consider adopting a resolution electing a Mayor Pro Tem for the City of Temple.**

Mayor Dunn presented this item to Council and asked Council for their recommendation.

Councilmember Cloud recommended Councilmember Judy Morales as Mayor Pro Tem.

Motion by Councilmember Perry Cloud adopt Resolution. Motion did not require second.

Motion passed unanimously.

### **IV. CONSENT AGENDA**

#### **4. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:**

**(A) 2013-6950-R: Consider adopting a resolution authorizing a guaranteed maximum price construction contract with ZeitEnergy LLC & Freese & Nichols Inc of Dallas, for the construction of a compressed natural gas fueling station, located at 2625 East Avenue H, in the amount of \$1,619,502 and declaring an official intent to reimburse associated expenditures made prior to the issuance of tax-exempt obligations for this project.**

**(B) 2013-6951-R: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC for professional engineering services required to complete utility extensions to the North Loop 363 and IH-35 interchange, including new water, new wastewater, and force main replacement, in an amount not to exceed \$303,412.23.**

**(C) 2013-4586: SECOND READING: Consider adopting an**

ordinance amending Chapter 12, "Fire Prevention and Protection," Article IV, Section 12-10; Article V, Section 12-13 "Private Fire Apparatus Access Road and Fire Lanes," and Article V, Section 12-14 "Fire Hydrants," of the Code of Ordinance of the City of Temple, Texas.

**(D) 2013-4587: SECOND READING - Z-FY-13-15: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign (billboard) relocation closer than 2,000 feet from another off-premise sign at 1611 Commerce Street.**

**(E) 2013-6952-R: Consider adopting a resolution authorizing an application for Tobacco Enforcement funding from the Texas School Safety Center in the amount of \$9,450 for the purposes of enforcing Subchapter H, Chapter 161 of the Texas Health and Safety Code for fiscal year 2014.**

**(F) 2013-6953-R: Consider adopting a resolution authorizing submission of an application for funding through the U.S. Department of Transportation, National Infrastructure Investment Grant (TIGER) in the amount of \$18,950,000, with \$10,000,000 reimbursed to the City through federal funding, to execute the construction of the 1st Street and Loop 363 project, and the construction of hike and bike trails along 1st Street and south along Friar's Creek Trail.**

**(G) 2013-6954-R: Consider adopting a resolution supporting and nominating McLane Company, Inc., as a qualified enterprise project.**

**(H) 2013-6955-R: Consider adopting a resolution approving second quarter financial results for Fiscal Year 2013.**

**(I) 2013-6956-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.**

Motion by Mayor Pro Tem Judy Morales adopt Resolution approving Consent Agenda, with exception of item 4(D). seconded by Councilmember Perry Cloud.

Motion passed unanimously.

**(D) 2013-4587: SECOND READING - Z-FY-13-15: Consider adopting an ordinance authorizing a Conditional Use Permit to allow an off-premise sign (billboard) relocation closer than 2,000 feet from another off-premise sign at 1611 Commerce Street.**

Ms. Zendt gave a brief overview of this case.

Mayor Pro Tem Morales voted no as this clutters the area; all others voted in favor.

Motion by Councilmember Russell Schneider Adopt ordinance on second and final reading seconded by Councilmember Tim Davis.

Mayor Pro Tem Judy Morales voted nay. The other Councilmembers voted aye. The motion passed.

## **V. REGULAR AGENDA**

### **ORDINANCES**

- 5. 2013-4588: FIRST READING - PUBLIC HEARING - Z-FY-13-13: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Single Family-One (SF-1) For Lots 1-3 and Lot 5 - 20 Block 1, and all of Blocks 2-5, The Highlands Phase 1, located on the north side of West Adams Avenue, west of Windmill Farms Subdivision.**

Beverly Zendt, Interim Planning Director, presented this case to Council. She noted this property was annexed in 1996 and under the city's requirements, was zoned Agricultural. This is a city initiated rezoning request in order to establish an appropriate zoning designation for this area that is compatible with the existing development patter; and to zone this area in a manner consistent with the Future Land Use Map. Ms. Zendt noted the subject area is single family residential development with 48 property owners

Mayor Dunn declared the Public Hearing open with regard to Agenda Item 5 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Russell Schneider adopt Ordinacne, with second and final reading set for June 6, 2013. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

- 6. 2013-4589: FIRST READING - PUBLIC HEARING: Consider**

**adopting an ordinance amending Chapter 21, "Minimum Building Standards," of the Code of Ordinances of the City of Temple, Texas.**

Kayla Landeros, Deputy City Attorney, presented this item to Council. Ms. Landeros stated these amendments are part of the City's review of the Code of Ordinances. Chapter 21 applies to all "dangerous buildings and structures" and is enforced by the City's Building Official. The purpose is to establish minimum standards for the continued use and occupancy of buildings; to implement Chapters 54 and 214 of the Local Government Code; and to safeguard the public, health, safety and welfare and protect property within the City. As part of the amendments we redefined the definition of "dangerous buildings or structures". The amendment retains the Building and Standards Commission, as well as the composition and term requirements. Ms. Landeros reviewed the standards for Repair, Vacation, or Demolition. She noted the Commission can order a repair if the building can feasibly be repaired. They will order a building vacated if it is hazardous to the health, safety or general welfare of its occupant or the public; and will order demolition of the structure if its is greater than 50% damaged, decayed or deteriorated. Ms. Landeros reviewed the Notice of Hearing procedures and Commission Orders. She also noted the Judicial Review and Appeal processes. Noting that if no petition is timely filed, the Commission's decision is final.

Mayor Dunn declared the Public Hearing open with regard to Agenda Item 6 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Perry Cloud adopt Ordinance, with second and final reading set for June 6, 2013. seconded by Councilmember Judy Morales.

Motion passed unanimously.

- 7. 2013-4590: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance approving and adopting rate schedule "RRM - Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division to be in force in the City of Temple for a period of time as specified in the rate schedule.**

Jonathan Graham, City Attorney, presented this item to Council and provided information on the process. Over the past years,

this process has resulted in lower expenses and costs for our citizens and customers of Atmos.

Mayor Dunn declared the Public Hearing open with regard to Agenda Item 7 and asked if anyone wished to address this item.

Doug Hill - Atmos Energy, 1500 W Loop 340, Waco addressed the Council and requested favorable consideration for the RRM process.

There being no further comments, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Judy Morales adopt Ordinance, with second and final reading set for June 6, 2013. seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

## RESOLUTIONS

8. **2013-6957-R: Consider adopting a resolution authorizing a tax abatement agreement with Buc-ee's, Ltd., covering increases in the taxable value of real property for a 25.171 acre tract of land (Tax Abatement Reinvestment Zone Number 26) at the southeast corner of North Loop 363 and I-35.**

Jonathan Graham, City Attorney, presented this item to Council. This designates an approximate 29.822 acre tract of land as Tax Abatement RZ #26. TEDC has been working with Buc-ee's, Ltd for six months; and this project meets criteria and guidelines for granting a tax abatement. Mr. Graham reviewed the terms of the abatement agreement with Buc-ee's Ltd. He noted this agreement abates 50% of the increased value of eligible real property improvements for 10 years; and personal property, inventory and supplies remain fully taxable during the term of the agreement.

Next Mr. Graham provided details on Buc-ee's, Ltd commitment to this project. This will develop property into a 60,000 square foot Travel Center; they will invest not less than \$16,000,000 in property improvements on the property; and will employ at least 150 full or part time employees.

Motion by Councilmember Russell Schneider adopt Resolution. seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

9. **2013-6958-R: Z-FY-13-16: Consider adopting a resolution approving an Appeal of Standards in Sec. 6.7 of the Unified Development Code related to the I-35 Corridor Overlay Zoning District for landscaping, parking, screening and wall standards, architectural standards, signs, and lighting for Golden Corral located on the east side of South General Bruce Drive, north side of Tristan Lane.**

Beverly Zendt, Interim Planning Director, presented this case to Council. Ms. Zendt stated the applicant is Justin Fuller, Clark & Fuller on behalf of Aston Management, LLC/ Golden Corral. This is for a Golden Corral restaurant facility on a 2.04 acre site of which is currently undeveloped. This is new construction and will trigger all applicable standards. Ms. Zendt reviewed the standards met by the applicant as well as those being appealed. She also noted that staff has recommended approval of all appeals with exception of the lighting. Ms. Zendt noted that staff recommends that the applicant provide an average illumination of 8 foot candles or a lighting scheme with 700,000 lumens or less.

The Planning and Zoning Commission heard this case on April 15, 2013, and voted 9/0 in favor of all appeals as requested by the applicant.

Mayor Dunn stated the proposed lighting concerns him as it could affect those at the neighboring hotel.

Aaron Parr, 5151 Glennwood, North Carolina addressed the Council. Mr. Parr stated the standard for Golden Corral is 12-14 foot candles; and for this site we've agreed to drop down to 10 foot candles. The issue behind the light levels is for security of employees.

Councilmember Schneider stated that he no issue with approving all requested appeals and dropping the number of foot candles to 10 as stated by the applicant.

Motion by Councilmember Russell Schneider adopt Resolution. seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

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Daniel A. Dunn, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



## TEMPLE CITY COUNCIL

**JUNE 6, 2013**

The City Council of the City of Temple, Texas conducted a Special Called Meeting on Thursday, June 6, 2013, at 5:00 PM, at the Municipal Building, 2 North Main Street, in the 3rd Floor Conference Room.

Present:

Councilmember Perry Cloud  
Councilmember Timothy Davis  
Councilmember Russell Schneider  
Mayor Pro Tem Judy Morales  
Mayor Daniel A. Dunn

**1. Discuss, as may be needed, Regular Meeting agenda items for the meeting posted for Thursday, June 6, 2013.**

Item 3 - Public Hearing on CDBG Annual Action Plan. Mr. Blackburn reviewed the process.

**2. Receive a briefing on Reinvestment Zone No. 1 Master Plan Projects and Financing Plan.**

Mr. Bob Browder, Chair of RZ# 1 and Mr. John Kiella, Vice Chair of RZ #1 gave an overview of the Master Plan Projects include, Temple Industrial Park; Corporate Campus Park; BioScience Park; Synergy Park; Downtown; Temple Medical Education District (TMED); and the Airport Park.

Ms. Barnard reviewed the details of the Financing Plan amendments for FY 2013-2062, to include the source of funds, tax revenues, bond issues, annual payments, and existing debt.

**3. Receive an overview of the City's demolition program and plan of action.**

Ms. Myers, Director of Administrative Services reviewed the program. She stated the purpose of the program is to remove dangerous buildings and structures; and to improve blighted conditions. Ms. Myers explained the current policy for Council review of proposed demolitions. She reviewed the program funding for FY 2013 & FY 2014 and the Plan of Action for FY 2013.

Ms. Myers noted there are two voluntary Commercial demolitions on the plan for FY 2013; 615 East Avenue D and 1805 East Adams Avenue. She asked the council for direction on funding. Council indicated to move

forward with demolition process using CDBG funds and no lien assessed.

#### **4. Receive an update on the Santa Fe Depot.**

Ken Cicora, Director of Parks and Leisure Services presented this update. He gave some historical background related to the Depot. In 1995 the City of Temple purchased 8.76 acres surrounding the depot, and the Santa Fe donated the building. Restoration of the building began in 1999 and was completed in 2000 and rededicated. The depot is 25,000 total square footage and consists of museum exhibits; facility rentals; Amtrak Station; and Archives. Currently the building has experience foundation and structural issues. Staff has consulted with TemTex Engineering for structural issues; Langerman Foster Engineering Company for foundation/geotechnical issues; and Hayward Baker Geotechnical Construction for foundation. Langerman Foster has recommended to do foundation repairs first. The estimated cost to repair the foundation from Hayward Baker Geotechnical Construction \$698,000 with an estimated time of three months.

Mr. Cicora stated the City hired TemTex Engineering to conduct the structural analysis. The estimated cost of repairs to the depot is \$520,000 with an estimated time of three months.

He then stated the total estimated cost to repair is \$1,218,000. We have been working the Finance Department to determine the funding source.

Ms. Barnard reviewed the funding options.

Council indicated that their desire was to 'pay as you go' with the available funds of \$1,200,000.

The City Council of the City of Temple, Texas conducted a Regular Meeting on Thursday, June 6, 2013 at 5:00 PM in the Council Chambers, Municipal Building, 2nd Floor, 2 North Main Street.

#### **Present:**

Councilmember Perry Cloud  
Councilmember Tim Davis  
Councilmember Russell Schneider  
Mayor Pro Tem Judy Morales  
Mayor Daniel A. Dunn

### **I. CALL TO ORDER**

#### **1. Invocation**

Pastor Dana Wilhelmsen with Immanuel Lutheran Church voiced the

Invocation.

## **2. Pledge of Allegiance**

Brynn Myers, Director of Administrative Services, led the Pledge of Allegiance.

## **II. PUBLIC HEARINGS**

### **3. PUBLIC HEARING - Presentation of the proposed Community Development Block Grant 2013-2014 Annual Action Plan and Budget, including the funding recommendations for public service agencies from the Community Services Advisory Board.**

Brynn Myers, Director of Administrative Services, presented this item to Council. She stated this plan is for CDBG year 2013 which is the City's FY 2014. This plan identifies and prioritizes the projects proposed to receive funds under the program. Ms. Myers noted the City expects to receive \$408,865 for its 2013-2014 CDBG allocation in FY 2014. She also noted this is a 5.4% increase in funding from the previous year. The City plans to reallocated \$217,954 through the 2013-2014 Action Plan for a total of \$626,819 to be allocated.

There were two public hearings in the community, March 3 & March 9, 2013. The general comments expressed were the desire to stay on course with the 1st Street Sidewalk project and investigate future opportunities for similar projects; continue support of Public Service Agencies; review the demolition program; and support proposed East Temple Redevelopment and park infrastructure improvements. Ms. Myers reviewed the allocation of proposed funds to be, \$427,819 for infrastructure; \$57,000 for public services; \$85,000 for demolition; and \$57,000 for administration.

Next, Ms. Myers reviewed the funding recommendations from the Community Services Advisory Board for PY 2013: Bell County Human Services (HELP Center) Child Care Services \$10,000 and Education/ Workforce Preparation \$5,000; Families in Crisis \$17,000; Family Promise \$15,000; and Hill Country Community Action Association \$10,000. The proposed infrastructure project for PY 2013 is the 1st Street Sidewalk project. This is the 4th and final year of a multi-year project. Ms. Myers noted the MLK Jr. Park project was also a proposed as the park project in the amount of \$227,819. Beginning June 7, 2013 through July 8, 2013, this is a 30-day comment period. This Action Plan is scheduled for adoption on July 18, 2013 by Council. Once adopted, this plan will be submitted to HUD by August 15, 2013 and begin on October 1, 2013.

Mayor Dunn declared the Public Hearing open with regard to Agenda

Item 3 and asked if anyone wished to address this item.

Nancy Etzel, Chair of the Community Services Advisory Board was available for questions by the Council or Staff.

There being no further comments, Mayor Dunn declared the Public Hearing closed.

### **III. PUBLIC COMMENTS**

Mr. R.S. Gates, 467 Valley Drive of Moody, expressed his concerns with the Public Information Act and how the City of Temple responds to requests.

Ms. Deanna DeGraaff, 815 W. French Avenue of Temple, invited each of the Council and Staff to the 3rd Annual Summer Picnic hosted by HOCTIL and the VIP Support Group on Tuesday, June 11, 2013 from 11:30 am - 3:30 pm at Miller's Park.

John Coleman, 206 W. 7th Street of Temple, commented on the 'Come and Take It Temple' event and noted how professional the Temple Police Department was during that event.

### **IV. BOND ITEMS**

Mayor Dunn read both items 4 and 5 into the record to be discussed at the same time.

- 4. 2013-6960-R: Consider adopting a resolution authorizing proceeding with the issuance of one or more series of City of Temple, Texas Combination Tax and Revenue Certificates of Obligation and further directing the publication of notice of intention to issue such Certificates of Obligation; and other matters related thereto in the amount not to exceed \$25,275,000.**

Traci Barnard, Finance Director, presented this item to Council. Ms. Barnard discussed each of the bonds, the Combination Tax and Revenue Certificates of Obligation Issue; Limited Tax Notes Issue; and the Utility System Revenue Bonds Issue.

The Combination Tax and Revenue Certificates of Obligation Issue is not exceed par amount of \$25,275,000; with an issue date of July 18, 2013 for 20 years. The action is Notice of Intent to Issue; and will be used for RZ#1 Master Plan Projects. The source of Payback has been identified as RZ#1 Tax Increment.

Next, Ms. Barnard reviewed the Limited Tax Notes Issue in an estimated amount of \$6,100,000; with an issue date of July 18, 2013

for 7 years. The action is to begin issuance; and will be used for CNG Garbage Trucks/ Facility/ and Containers. The source of Payback has been identified as sanitation system revenues and fuel savings.

Finally, The Utility System Revenue Bonds Issue not exceed par amount of \$18,000,000; with an anticipated issue date of February 1, 2014 for 30 years. The action is delegation of authority to issue; and will be used for the effluent line related to Panda. The source of Payback has been identified as the contractual agreement with Panda.

Jana Edwards, Bond Counsel with McCall, Parkhurst & Horton, L.L.P. reviewed the details of each resolution and ordinance.

Dan Wegmiller, Financial Advisor with Specialized Public Finance Inc., reviewed the specifics of the transactions and pricing of each issue.

Motion by Councilmember Perry Cloud adopt Resolution. seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

**5. 2013-6961-R: Consider adopting a resolution authorizing proceeding with issuance of Limited Tax Notes for certain capital improvements and other related matters.**

Motion by Mayor Pro Tem Judy Morales adopt Resolution. seconded by Councilmember Russell Schneider.

Motion passed unanimously.

**6. 2013-4591: FIRST & FINAL READING - PUBLIC HEARING: Consider adopting the "Fourth Supplemental Ordinance to the Master Ordinance Establishing the City of Temple, Texas Utility System Revenue Financing Program" related to the issuance of \$18,000,000 City of Temple, Texas Utility System Revenue Bonds, Series 2014 and the establishment of procedures for selling and delivering the Bonds.**

Traci Barnard, Finance Director, stated this was reviewed with the other bond issues.

Mayor Dunn declared the Public Hearing open with regard to Agenda Item 6 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Tim Davis adopt Ordinance as presented on first and final reading. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

## **V. CONSENT AGENDA**

### **7. Consider adopting a resolution approving the Consent Agenda items and the appropriate resolutions for each of the following:**

**(A) 2013-6962-R: Consider adopting a resolution authorizing a lease assignment change in ownership of Summit Aviation to Kachemak Bay Flying Service, a wholly owned subsidiary of System Studies and Simulation, Inc. (S3), to continue to provide aviation maintenance and avionics services effective June 1, 2013 at the Draughon-Miller Central Texas Regional Airport.**

**(B) 2013-6963-R: Consider adopting a resolution authorizing an amendment to the lease agreement between the Department of the Army, Corps of Engineers, terminating a portion of the lease for the supply hangar for AMCOM at the Draughon-Miller Central Texas Regional Airport.**

**(C) 2013-6964-R: Consider adopting a resolution authorizing a service agreement with Jani-King of Austin for the janitorial services for the Summit Recreation Center in the annual amount of \$42,547.74.**

**(D) 2013-6965-R: Consider adopting a resolution authorizing a professional services agreement with Clark & Fuller, PLLC of Temple for engineering services including design, surveying, and construction administration required for installation of a new 12" water line along Pin Oak Drive from Hickory Road to Oakdale Drive in an amount not to exceed \$54,302.60.**

**(E) 2013-6966-R: Consider adopting a resolution authorizing an amendment to a professional services agreement with Kasberg, Patrick & Associates, LP, to provide project bidding, construction administration, metes and bounds, on-site representation services, and to revise the original design plans to incorporate roadway design that was not included in the original scope of service for Avenue R from west of 25th Street to east of 19th Street in an amount not to exceed \$117,400.**

**(F) 2013-6967-R: Consider adopting a resolution authorizing a**

change order to the overlay contract with APAC TX - Wheeler Company of Belton for a 1- inch overlay of asphalt on the FM 2305 hike/bike trail at a unit price of \$78 per ton, and in a total amount not to exceed \$50,000.

(G) 2013-6968-R: Considering adopting a resolution authorizing an interlocal agreement with the Temple Health and Bioscience Economic Development District to provide financial administration services.

(H) 2013-4588: SECOND READING - Z-FY-13-13: Consider adopting an ordinance authorizing a zoning change from Agricultural District (AG) to Single Family- One (SF-1) For Lots 1-3 and Lot 5 - 20 Block 1, and all of Blocks 2-5, The Highlands Phase 1, located on the north side of West Adams Avenue, west of Windmill Farms Subdivision.

(I) 2013-4589: SECOND READING: Consider adopting an ordinance amending Chapter 21, "Minimum Building Standards," of the Code of Ordinances of the City of Temple, Texas.

(J) 2013-4590: SECOND READING: Consider adopting an ordinance approving and adopting rate schedule "RRM - Rate Review Mechanism" for Atmos Energy Corporation, Mid-Tex Division to be in force in the City of Temple for a period of time as specified in the rate schedule.

(K) 2013-6969-R: Consider adopting a resolution authorizing the grant application for the Bureau of Justice Assistance Bulletproof Vest Partnership Program of 2013 for the purchase of ballistic vests and replacements for the Police Department in the amount of \$17,094, with \$8,547 of required City matching funds.

(L) 2013-6970-R: Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

Motion by Councilmember Russell Schneider adopt Resolution approving Consent Agenda. seconded by Councilmember Perry Cloud.

Motion passed unanimously.

## **VI. REGULAR AGENDA**

### **ORDINANCES**

8. **2013-4592: FIRST READING - PUBLIC HEARING - A-FY-13-13: Consider adopting an ordinance authorizing abandonment and conveyance of an existing alley, being approximately 20 feet in width by 300 feet in length and reserving an easement for public utilities in the entire abandoned right-of-way, being a 0.138 + acre tract of land located along the rear property lines of Lots 1 through 12 of Block 8, Freeman Heights Addition situated in the City of Temple, Bell County, Texas as described in the map or plat of record in Volume 98, Page 501, of the real property records of Bell County, Texas. The property is located at the southeast corner of South 31st Street and West Central Avenue.**

Mark Baker, Planner, presented this case to Council. He stated the applicant is requesting this abandonment of a public alley to allow for the construction of a proposed 14,820 square foot Walgreens Store. The private utility providers serving the area were notified and several have indicated they have public utilities within the alley. The developer has made arrangements with each for relocations of the utilities. Mr. Baker also noted that the Utility Division within the City Public Works Department confirmed that the easement does not contain an active line within the boundaries of the alley.

The developer has contracted to purchase all of the property abutting the alley; with the conveyance of the alley occurring after all properties are under common ownership. If approved, the applicant will be allowed to purchase the abandoned alleyway which has a total fair market value of \$18,000. Once the developer has acquired all necessary properties the City will convey the alley by Deed without Warranty, reserving a public utility easement if utility relocation is not complete. Once utilities have been relocated, staff will recommend to Council to release the public easement in the alley and a final plat will be presented to the Planning and Zoning Commission.

Mr. Baker noted it is Staff's recommendation to approve as presented.

Mayor Dunn declared the Public Hearing open with regard to Agenda Item 8 and asked if anyone wished to address this item.

Travis Bousquet, on behalf of the applicant was available for questions.

Councilmember Schneider inquired on the other parcels and if Mr. Bousquet currently owned them or not.



Mr. Bousquet stated they are not yet under contract.

There being no further, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Russell Schneider adopt Ordinance, with second and final reading set for June 20, 2013. seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

9. **2013-4593: FIRST READING - PUBLIC HEARING - Z-FY-13-19: Consider adopting an ordinance authorizing a zone change from General Retail District (GR), Neighborhood Service District (NS), and Two Family District (2F) to General Retail District on Lots 1 - 12, Block 8, Freeman Heights Addition, being an area of + 2.066 acres, located at the southeast corner of South 31st Street and West Central Avenue.**

Mark Baker, Planner, presented this case to Council. He noted this a companion item with the previous one (item 8). This request is to rezone the property to allow for the development of the Walgreens Store. The City's Comprehensive Plan and Future Land Use Plan identifies this property as Auto-Urban Commercial District. There are 8" water lines along West Central Avenue, South 31st Street, and South 29th Street; as well as a 6" water line along West Central Avenue and the alley.

Mr. Baker reviewed the Development Regulations for the requested rezoning. He noted, there were 16 notices mailed out; with five returned in favor and zero in opposition. It is recommended by Staff to approve the request as presented. Planning and Zoning Commission heard this case on May 6, 2013, and voted 7/0 for approval.

Mayor Dunn declared the Public Hearing open with regard to Agenda Item 9 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Perry Cloud adopt Ordinance, with second and final reading set for June 20, 2013. seconded by Mayor Pro Tem Judy Morales.

Motion passed unanimously.

10. **2013-4594: FIRST READING - PUBLIC HEARING - Z-FY-13-17 Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to Neighborhood Service District (NS) on 4.916 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the south side of West Adams Avenue, at 7425 West Adams Avenue.**

Tammy Lyerly, Planner, presented this case to Council. She stated the applicant for this zoning request is John Kiella for Vineyard Christian Fellowship Church. The front portion of the property has an existing church while the rear of the property is undeveloped. Ms. Lyerly reviewed some other uses, both allowed and prohibited. She also noted that in the Development Standards, the requested NS District, is the most restrictive retail district and is intended to provide day-to-day retail and service needs for residential neighborhood service areas.

Ms. Lyerly stated there were 33 notices mailed to the surrounding properties. Of which, three were returned in favor of and zero in disapproval. Some residents in the area, did state they were undecided, as they would like further details as to what type service is being proposed. It is Staff's recommendation to approve the zoning request from AG to NS. The Planning and Zoning Commission heard this case on May 6, 2013, and too recommends approval as presented.

Mayor Dunn declared the Public Hearing open with regard to Agenda Item 10 and asked if anyone wished to address this item.

Ms. Angie Banks, FM 2086 Temple, speaking on behalf of her mother. They are concerned with the proposed use of the property. They'd like more information. Also, with drainage issues in the past, they are concerned and would like information as to what is being proposed as ground cover.

There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Mayor Pro Tem Judy Morales adopt Ordinance, with second and final reading set for June 20, 2013. seconded by Councilmember Russell Schneider.

Motion passed unanimously.

- 11. 2013-4595: FIRST READING - PUBLIC HEARING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan to align with the 2022 Master Plan and to reflect the recent extension and expansion of the Reinvestment Zone No. 1 to 2062.**

Traci Barnard, Director of Finance, presented this item to Council. Ms. Barnard reviewed the summary of amendments to be Source of Funds [Line 4-20]; Debt Service [Line31]; Projects-Master Plan Priorities; Downtown Improvements [Line450]; and Public Improvements [Line 610].

Mayor Dunn declared the Public Hearing open with regard to Agenda Item 11 and asked if anyone wished to address this item. There being none, Mayor Dunn declared the Public Hearing closed.

Motion by Councilmember Perry Cloud adopt Ordinance, with second and final reading set for June 20, 2013. seconded by Councilmember Russell Schneider.

Motion passed unanimously.

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Daniel A. Dunn, Mayor

ATTEST:

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Lacy Borgeson  
City Secretary



## COUNCIL AGENDA ITEM MEMORANDUM

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06/20/13  
Item #4(G)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Lonzo Wallace, Fire Chief

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the purchase of 32 H45 Carbon Fiber SCBA Cylinders from Casco Industries, Inc. of Shreveport, LA the sole source provider, in the amount of \$27,520.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** In FY2012-13 Council approved \$27,525 for SCBA Replacement Program. The purchase of 32 H45 Carbon Cylinders will enhance the safety and work time of our firefighters wearing breathing apparatus. Temple Fire & Rescue currently uses 30 minute cylinders and these new 45 minute cylinders will give our firefighters 33% more breathing time in case of entrapment due to collapse.

Casco Industries, Inc. is the sole source provider of MSA air packs, parts, and maintenance for the fire service in this region. Temple Fire & Rescue has standardized its SCBAs in an attempt to reduce costs and increase safety for personnel and has been using MSA air packs since 1974. In addition, the fire department has personnel certified to repair MSA air packs, and has an extensive inventory of repair parts and spare air bottles.

**FISCAL IMPACT:** MSA is offering a special price of \$860 per cylinder for this purchase. The total cost of 32 MSA Super Lite 45 minute HP Cylinders is \$27,520. Funding is marked and available for this purchase in account 110-2231-522-22-20.

### **ATTACHMENTS:**

[Casco Industries, Inc. Quote](#)  
[Resolution](#)



-IREVEPORT,LOUISIANA 71148 8007

**Sold To:** TEMPLE FIRE DEPARTMENT  
3210 EAST AVENUE H BUILDING C  
TEMPLE, TEXAS 76501

**Ship To: TEMPLE FIRE DEPARTMENT**  
**210 N 3RD STREET**  
**TEMPLE, TEXAS 76501**

**ATTN. KATHY LONES**  
**PHONE#**

**ATTN: BRIAN WINKLER**

[illegible]

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE PURCHASE OF 32 H45 CARBON FIBER SELF CONTAINED BREATHING APPARATUS ('SCBA') CYLINDERS FROM CASCO INDUSTRIES, INC., OF SHREVEPORT, LOUISIANA, AS THE SOLE SOURCE PROVIDER, IN THE AMOUNT OF \$27,520; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in Fiscal Year 2012-2013, City Council approved \$27,525 for the Self Contained Breathing Apparatus ('SCBA') Replacement Program – the purchase of 32 H45 Carbon Cylinders will enhance the safety and work time of firefighters wearing breathing apparatus';

**Whereas**, Temple Fire and Rescue ('TF&R') currently use 30-minute cylinders and these new 45-minute cylinders will give our firefighters 33% more breathing time in case of entrapment due to collapse;

**Whereas**, Casco Industries, Inc. of Shreveport, Louisiana, is the sole source provider of MSA air packs, parts and maintenance for this fire service region;

**Whereas**, in the attempt to reduce costs and increase safety for personnel using MSA air packs, TF&R has standardized its SCBA's – TF&R has personnel certified to repair the MSA air packs and has an extensive inventory of repair parts and spare air bottles;

**Whereas**, staff recommends the purchase of 32 H45 Carbon Fiber SCBA Cylinders from Casco Industries, Inc. of Shreveport, Louisiana, as the sole source provider of MSA air packs, parts and maintenance for this fire service region;

**Whereas**, funds are available for this purchase in Account No. 110-2231-522-2220; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council authorizes the purchase of 32 H45 Carbon Cylinders from Casco Industries, Inc. of Shreveport, Louisiana, is the sole source provider of MSA air packs, parts and maintenance for this fire service region, in the amount of \$27,520.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **20<sup>th</sup>** day of **June**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(H)  
Consent Agenda  
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### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Kim Foutz, Assistant City Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the City Manager to make a payment to TEDC in the amount not to exceed \$180,000 for the City's share of a freight movement and logistics study from KPMG.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** On December 20, 2012, the Council authorized the City Manager to enter into a contract with KPMG for a freight movement and logistics study in an amount not to exceed \$270,000. Temple Economic Development Corporation ("TEDC") agreed to participate in the assessment at an amount not to exceed \$90,000. The Reinvestment Zone ("RZ") would contribute \$90,000 and the City would contribute \$90,000.

After authorization of the item, TEDC contracted directly with KPMG for the study, instead of the City contracting directly with KPMG. TEDC now seeks reimbursement for funds paid for the study in the amounts discussed above. Staff seeks authorization for the City Manager to pay TEDC for the City's share of the study in an amount not to exceed \$180,000.

**FISCAL IMPACT:** The Reinvestment Zone No. 1 Financing Plan has funds available in Line 50, account 795-9500-531-2616 to fund its \$90,000 share. The City's share of \$90,000 is available in account 351-1100-513-2616.

### **ATTACHMENTS:**

[Resolution](#)



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE CITY MANAGER TO MAKE A PAYMENT TO THE TEMPLE ECONOMIC DEVELOPMENT CORPORATION FOR THE CITY'S SHARE OF A FREIGHT MOVEMENT AND LOGISTICS STUDY FROM KPMG, IN AN AMOUNT NOT TO EXCEED \$180,000; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on December 20, 2012, the City Council authorized the City Manager to enter into a contract with KPMG for a freight and movement logistics study in an amount not to exceed \$270,000;

**Whereas**, the Temple Economic Development Corporation ('TEDC'), the Reinvestment Zone ('RZ'), and the City all agreed to participate in the assessment in an amount not to exceed \$90,000 each;

**Whereas**, after the authorization of the item, TEDC contracted directly with KPMG for the study, instead of the contract being between KPMG and the City – TEDC now seeks reimbursement for funds paid for the study in the amounts discussed above;

**Whereas**, staff recommends the City Manager authorized payment to TEDC for the City's share of the study, in an amount not to exceed \$180,000;

**Whereas**, the Reinvestment Zone No. 1 Financing Plan funds are budgeted in Account No. 795-9500-531-2616, and the City's share of funds are budgeted in Account No. 351-1100-513-2616; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council authorizes the City Manager, or his designee, after approval as to form by the City Attorney, to authorize payment to TEDC in the amount of \$180,000 as reimbursement for funds paid for the KPMG freight movement and logistics study authorized by City Council on December 20, 2012.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **20<sup>th</sup>** day of **June**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(I-1)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Ken Cicora, Director of Parks & Leisure Services

**ITEM DESCRIPTION:** Consider adopting the construction of repairs to the Santa Fe Depot foundation by Hayward Baker, Inc. of Little Elm for a guaranteed maximum price of \$698,900 under a previously authorized Design-Build contract.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** It was determined in 2011 that the Santa Fe Depot has cracks in the floor and walls that appear to be the result of foundation movement. Staff engaged Langerman Foster Engineering Company (LFE), a geotechnical engineering company located in Waco, and TemTex Engineering (TemTex), a structural engineering company located in Temple, to assist the City in defining the performance expectations and requirements for fixing the foundation. Through consultation with LFE and TemTex, it was determined that two construction phases will be needed to repair the depot: first, stabilize the foundation, then secondly, repair the structural (masonry) damage to the facility caused by the foundation movement.

On July 19, 2012, the City Council authorized the use of the Design-Build project delivery method for the foundation repairs (phase 1). Subsequently on November 15, 2012, Council authorized a Design-Build contract with Hayward Baker, Inc. for the design and construction of the foundation repairs with an initial engineering services fee of \$45,000.

As determined during the design phase, Hayward Baker is recommending the installation of 54 four-inch micropiles and the use of potassium and polyurethane injections to stabilize the foundation. In order to construct and install the corrective elements, landscaping, irrigation, sidewalks, entry steps, concrete pavers, and interior flooring will have to be removed, which Hayward Baker's will re-install after the work is complete. Hayward Baker has proposed a guaranteed maximum price of \$698,900 for the construction work, which includes a contingency allowance of \$25,000.

Hayward Baker is prepared to commence construction activities on July 8, 2013. It is anticipated that it will take approximately three (3) months to construct the repairs.

Tem-TeX is recommending that the masonry repairs (phase 2) not begin until approximately six (6) months after the foundation is stabilized. As such, it is anticipated that the structural/masonry repairs will begin in the spring of 2014. The preliminary estimated cost for Phase 2 is \$300,000-\$500,000.

**FISCAL IMPACT:** This project will be funded through the Hotel/Motel fund. A budget adjustment is presented for Council's approval appropriating \$698,900 of Hotel/Motel Unreserved Fund Balance to account 240-7000-551-2616, project #100915, to fund the construction of Phase 1 of the project. In November 2012, \$45,000 was appropriated from the Hotel/Motel Unreserved Fund Balance to account 240-7000-551-2616, project #100915, for the design services related to the Design-Build contract with Hayward Baker.

**ATTACHMENTS:**

[Budget Adjustment  
Resolution](#)

FY 2013

## BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

**Adjustments should be rounded to the nearest \$1.**

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
240-7000-551-26-16	100915	Professional	\$ 698,900			
240-0000-358-11-10		Hotel/Motel Unreserved Fund Balance			\$ 698,900	
		Do Not Post				
TOTAL.....			\$ 698,900		\$ 698,900	

**EXPLANATION OF ADJUSTMENT REQUEST-** Include justification for increases AND reason why funds in decreased account are available.

This budget adjustment appropriates Hotel/Motel Unreserved Fund Balance to fund the contract with Hayward Baker, Inc. for a guaranteed maximum price of \$698,900 for repairs to the Santa Fe Depot foundation.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

**x** Yes

☐ No

DATE OF COUNCIL MEETING 6/20/2013

WITH AGENDA ITEM?

x	Yes
---	-----

☐ No

Department Head/Division Director

Date \_\_\_\_\_

☐ Approved  
☐ Disapproved

Finance

Date \_\_\_\_\_

	Approved
	Disapproved

City Manager

Date \_\_\_\_\_

☐ Approved  
☐ Disapproved

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONSTRUCTION CONTRACT FOR REPAIRS TO THE SANTA FE DEPOT FOUNDATION BY HAYWARD BAKER, INC. OF LITTLE ELM, TEXAS, UNDER A PREVIOUSLY AUTHORIZED DESIGN-BUILD CONTRACT, FOR A GUARANTEED MAXIMUM PRICE OF \$698,900; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, it was determined in 2011, that the Santa Fe Depot has cracks in the floor and walls that appear to be the result of foundation movement – staff engaged Langerman Foster Engineering Company and TemTex Engineering to assist the City in defining the performance expectations and requirements for fixing the foundation;

**Whereas**, through consultation with Langerman Foster Engineering Company and TemTex Engineering, it has been determined that two construction phases will be needed to repair the depot – first, repair the foundation, then secondly, repair the structural damage to the facility caused by the foundation movement;

**Whereas**, on July 19, 2012, City Council authorized the use of the Design-Build project delivery method for the foundation repairs (Phase I), and on November 15, 2012, Council authorized a Design-Build contract with Hayward Baker, Inc., of Little Elm, Texas for the design and construction of the foundation repairs with an initial engineering services fee of \$45,000;

**Whereas**, as determined during the design phase, Hayward Baker recommends the installation of 54 four-inch micropiles and the use of potassium and polyurethane injections to stabilize the foundation;

**Whereas**, in order to construct and install the corrective elements, the landscaping, irrigation, sidewalks, entry steps, concrete pavers, and interior flooring will have to be removed – once the construction is complete, Hayward Baker will reinstall these items;

**Whereas**, Hayward Baker has proposed a guaranteed maximum price of \$698,900 for the construction work, which includes a contingency allowance of \$25,000;

**Whereas**, funds are available for the initial engineering services fee in Account No. 240-7000-551-2616, Project No. 100915, but an amendment to the FY2012-13 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a contract with Hayward Baker, Inc., of Little Elm, Texas for repairs to the Santa Fe Depot

Foundation (Phase I) for a guaranteed maximum price of \$698,900 under a previously authorized Design-Build Contract.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **20<sup>th</sup>** day of **June**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/20/13  
Item #4(I-2)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Ken Cicora, Director of Parks & Leisure Services

**ITEM DESCRIPTION:** Consider adopting a professional services contract amendment for onsite representation for repairs to the Santa Fe Depot foundation with TemTex Engineering, PLLC of Temple in an amount of \$25,110.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** As authorized by the City Council on July 18, 2012, the Design-Build project delivery method is being used for the design and construction of the Phase 1 foundation repairs to the Santa Fe Depot. Per the Texas Government Code Sec. 2267.305, when using the Design-Build project delivery method, the City shall select or designate an architect or engineer independent of the design-build firm to act as the City's representative for the duration of the project.

In the summer of 2012, staff engaged Langerman Foster Engineering Company (LFE), a geotechnical engineering company located in Waco, and TemTex Engineering (TemTex), a structural engineering company located in Temple, to assist the City with the project. The not-to-exceed professional service contracts for each of the two (2) firms to assist the City in defining the performance expectations and requirement for fixing the foundation was \$7,540 and \$10,145, respectively. Due to the structural nature of the repairs, staff is recommending that TemTex continue working on the project as the City's independent design representative during construction.

TemTex will observe and verify installation by Hayward Baker of the micropiles, the potassium and urethane injections, and the reconstruction of the concreted areas. In addition, TemTex will monitor the cracks and carefully document the repair work for future reference. TemTex has proposed engineering fees for these services of \$25,110, which will be billed based on the actual hours incurred.

**FISCAL IMPACT:** This project will be funded through the Hotel/Motel fund. A budget adjustment is presented for Council's approval appropriating an additional \$25,110 of Hotel/Motel Unreserved Fund Balance to account 240-7000-551-2616, project #100915, to fund the onsite representation needed for the construction of Phase 1 of the project.



**ATTACHMENTS:**  
[Budget Adjustment  
Resolution](#)

FY 2013

## BUDGET ADJUSTMENT FORM

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

**Adjustments should be rounded to the nearest \$1.**

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ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE		DECREASE	
240-7000-551-26-16	100915	Professional	\$ 25,110			
240-0000-358-11-10		Hotel/Motel Unreserved Fund Balance			\$ 25,110	
		DO NOT POST				
TOTAL.....			\$ 25,110		\$ 25,110	

**EXPLANATION OF ADJUSTMENT REQUEST-** Include justification for increases AND reason why funds in decreased account are available.

This budget adjustment appropriates funds for the professional services contract amendment for onsite representation for repairs to the Santa Fe Depot foundation.

**DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?**

☒ Yes☐ No

DATE OF COUNCIL MEETING

6/20/2013

WITH AGENDA ITEM?

☒ Yes☐ No

Department Head/Division Director

Date \_\_\_\_\_

☐ Approved

☐ Disapproved

Finance

Date \_\_\_\_\_

☐ Approved

☐ Disapproved

City Manager

Date \_\_\_\_\_

☐ Approved

	Disapproved
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RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH TEMTEX ENGINEERING, PLLC, OF TEMPLE, TEXAS, FOR ON-SITE REPRESENTATION FOR REPAIRS TO THE SANTA FE DEPOT FOUNDATION, IN THE AMOUNT OF \$25,110; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on July 18, 2012, City Council authorized the Design-Build project delivery method for Phase I design and construction of foundation repairs to the Santa Fe Depot – per Texas Government Code Sec 2267.305, when using the Design-Build project delivery method, the City shall select or designate an architect or engineer independent of the design-build firm, to act as the City’s representative for the duration of the project;

**Whereas**, in July of 2012, staff engaged Langerman Foster Engineering Company of Waco, Texas and TemTex Engineering, of Temple, Texas to assist the City with the project – due to the structural nature of the repairs, staff recommends TemTex Engineering continue working on the project as the City’s independent design representative during construction;

**Whereas**, funds are available for this project in Account No. 240-7000-551-2616, Project No. 100915, but an amendment to the FY2012-13 budget needs to be approved to transfer the funds to the appropriate expenditure account; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute an amendment to the professional services agreement with TemTex Engineering, PLLC, of Temple, Texas, after approval as to form by the City Attorney, for onsite representation for repairs to the Santa Fe Depot foundation, in the amount of \$25,110.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 20<sup>th</sup> day of **June**, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## CITY COUNCIL ITEM MEMORANDUM

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06/20/13  
Item #4(J)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Mark Baker, Planner

**ITEM DESCRIPTION:** SECOND READING – A-FY-13-13: Consider adopting an ordinance authorizing abandonment and conveyance of an existing alley, being approximately 20 feet in width by 300 feet in length and reserving an easement for public utilities in the entire abandoned right-of-way, being a 0.138 ± acre tract of land located along the rear property lines of Lots 1 through 12 of Block 8, Freeman Heights Addition situated in the City of Temple, Bell County, Texas as described in the map or plat of record in Volume 98, Page 501, of the real property records of Bell County, Texas. The property is located at the southeast corner of South 31<sup>st</sup> Ave and West Central Ave.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description, on second and final reading.

**ITEM SUMMARY:** The applicant, the Bousquet Group engineering firm, has submitted a request on behalf of 1519 Central, LLC, to abandon a mid-block alleyway, a 20' wide by 300' long parcel of land as described above for the development of a proposed 14,820 square foot Walgreens store. The public alleyway was created by the original Freeman Heights Addition subdivision plat in 1891. The developer has contracted to purchase all of the property abutting the alley. The sellers have authorized the developer to represent their interests in matters related to the site redevelopment. Conveyance of the alley will not occur until all properties are under common ownership.

The alley currently contains a 6" city sewer line. The City's Utility Division within the Public Works/Engineering Department confirmed that the sewer line within the alley is inactive and may be abandoned without replacement. It is anticipated that Walgreens will re-establish sewer service from a capped point of the active sewer line within West Ave "A" and then re-connect onto the site through a service line. Public Works staff is in process of reviewing preliminary plans.

Public utility providers servicing the area were notified. Several providers confirmed they have utilities within the alley which will need to be relocated. The developer has made agreements with these providers for relocation of the utilities. It is anticipated that the public utilities will be relocated jointly within the rights-of-way of both South 29<sup>th</sup> Street and West "A" Ave. Additionally, it is anticipated that a public utility easement will be necessary along part of West Central Ave. This easement will be dedicated with the replat.

Staff has worked with the developer to identify the following procedural steps to facilitate both the abandonment of the alley and the relocation of all affected utilities.

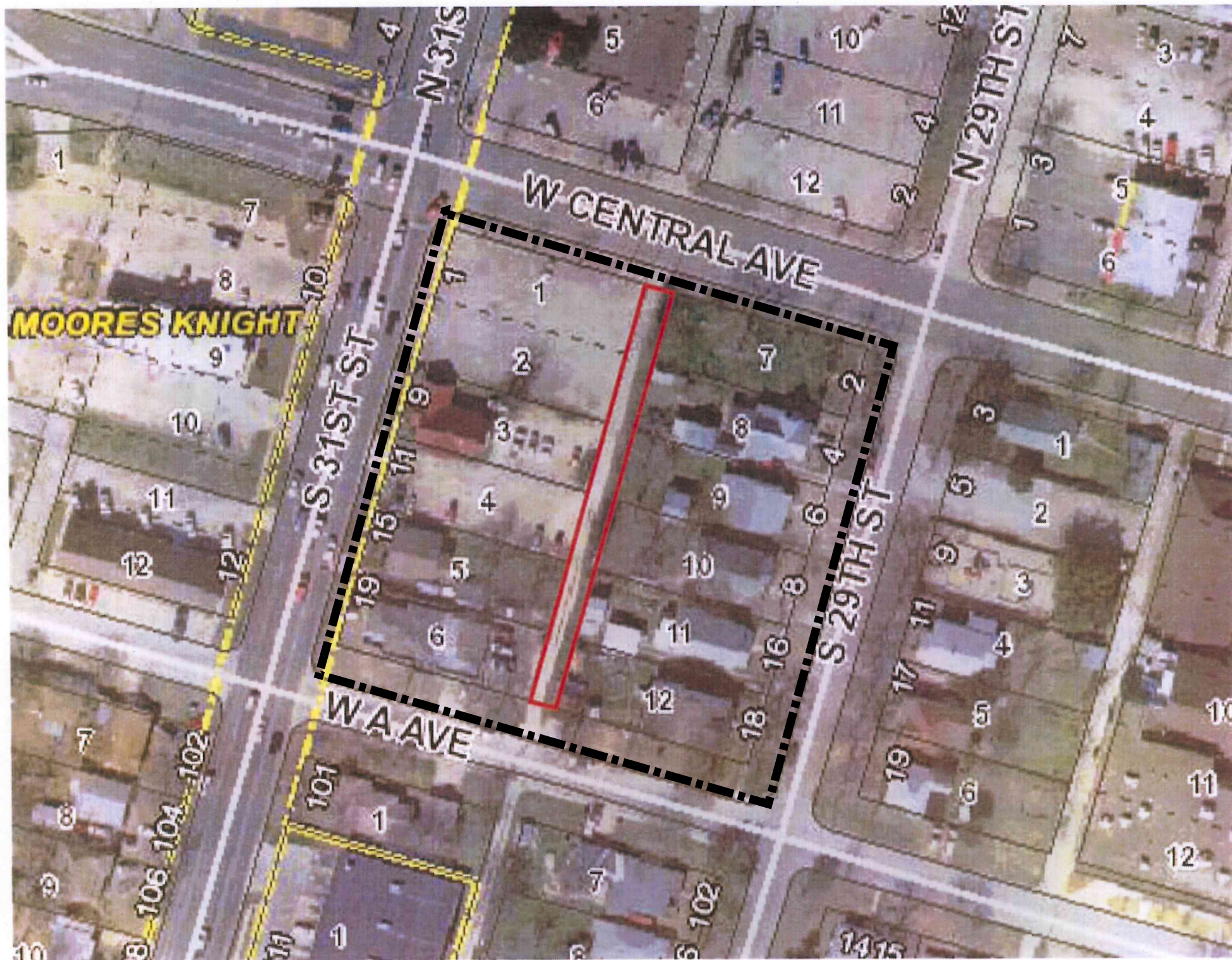
1. If adopted by ordinance, the alley will be closed and an easement will be reserved.
2. Once the developer has acquired the necessary properties, the City will convey the alley by Deed without Warranty, reserving a public utility easement if utility relocation is not complete.
3. Once the public facilities in the alley have been abandoned and relocated in accordance with approved plans, staff will present a Resolution to City Council to release the public easement in the alley.
4. At a later date, a Final Plat will be presented to the Planning Commission for consideration. The Final Plat will include information related to the following:
  - Recordation information of the ordinance closing the alley;
  - The Deed without Warranty;
  - The Resolution releasing the utility easement; and
  - The new on-site easement.

**FISCAL IMPACT:** If approved, the applicant will be allowed to purchase the abandoned alleyway which has a total fair market value of \$18,000.

**ATTACHMENTS:**

[Aerial Vicinity Map of Abandonment \(Block 8, Freeman Heights Addition subdivision\)](#)  
[Surveyors Sketch](#)  
[Ordinance](#)









(A-FY-13-13)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING ABANDONMENT AND CONVEYANCE OF AN EXISTING ALLEY WITH A WIDTH OF 20 FEET AND A DEPTH OF 300 FEET, BEING A 0.138 ACRE TRACT OF LAND ALONG THE REAR PROPERTY LINES OF LOTS 1 THROUGH 12 OF BLOCK 8, FREEMAN HEIGHTS ADDITION, SITUATED IN THE CITY OF TEMPLE, BELL COUNTY, TEXAS AND LOCATED AT THE SOUTHEAST CORNER OF SOUTH 31<sup>ST</sup> STREET AND WEST CENTRAL AVENUE, AND RESERVING AN EASEMENT FOR PUBLIC UTILITIES IN THE ENTIRE ABANDONED RIGHT-OF-WAY; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City has a request to abandon an existing alley with a width of 20 feet and a depth of 300 feet, being a 0.138 acre tract of land along the rear property lines of Lots 1 through 12 of Block 8, Freeman Heights Addition, situated in the City of Temple, Bell County, Texas, and located at the southeast corner of South 31<sup>st</sup> Street and West Central Avenue;

**Whereas**, the Bousquet Group engineering firm, has submitted an abandonment request on behalf of 1519 Central, LLC, for development of a proposed 14,820 square foot Walgreens store;

**Whereas**, the alley currently contains an inactive 6-inch diameter City wastewaterline, which the Public Works department proposes to abandon, as Walgreens will re-establish sewer service from a capped point of the active sewer line within West Avenue A;

**Whereas**, reservation of a public utility easement will be necessary until the other utility providers complete relocation of their facilities and authorize staff to present the City Council with a resolution releasing the utility easement; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to declare approve this action.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council abandons an existing alley with a width of 20 feet and a depth of 300 feet, being a 0.138 acre tract of land along the rear property lines of Lots 1 through 12 of Block 8, Freeman Heights Addition, situated in the City of Temple, Bell County, Texas, and located at the southeast corner of West Central Avenue and South 31<sup>st</sup> Street, more fully described in Exhibit A, attached hereto for all purposes.

**Part 2:** The City Council reserves a public utility easement in the entire abandoned alley to protect existing public utility lines.



**Part 3:**, As consideration for the conveyance described in Part 1 hereof, 1519 Central LLC shall pay to the City of Temple the fair market value of the abandoned alley therein, in the amount of \$18,000.00.

**Part 4:**, The City Council authorizes the Mayor of the City of Temple, Texas, to execute a Deed Without Warranty conveying the rights and interests of the City of Temple, Texas, to the abutting property owner, which when done, shall be and become a binding act and deed of the City of Temple.

**Part 5:** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Part 6:** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 6<sup>th</sup> day of **June**, 2013.

PASSED AND APPROVED on Second Reading the 20<sup>th</sup> day of **June**, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

ATTEST:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney

STATE OF TEXAS           §

COUNTY OF BELL           §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2013, by, Daniel A. Dunn, Mayor of the City of Temple, Texas.

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Notary Public, State of Texas



## CITY COUNCIL ITEM MEMORANDUM

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06/20/13  
Item #4(K)  
Consent Agenda  
Page 1 of 3

### **DEPT. / DIVISION SUBMISSION & REVIEW:**

Mark Baker, Planner

**ITEM DESCRIPTION:** SECOND READING – Z-FY-13-19: Consider adopting an ordinance authorizing a zone change from General Retail District (GR), Neighborhood Service District (NS), and Two Family District (2F) to General Retail District on Lots 1 – 12, Block 8, Freeman Heights Addition, being an area of  $\pm$  2.066 acres, located at the southeast corner of South 31<sup>st</sup> Street and West Central Avenue.

**PLANNING & ZONING COMMISSION RECOMMENDATION:** At its May 6, 2013 meeting, the Planning and Zoning Commission voted 7 to 0 to recommend approval of the zone change from General Commercial district (GR), Neighborhood Services District (NS), and Two Family District (2F) to General Retail District (GR) for the above described property.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description, on second and final reading for a zone change from “GR”, “NS” and “2F” to “GR” for the following reasons:

1. The proposed zoning is consistent with the Future Land Use Map which identifies this area as Auto-Urban Commercial;
2. The request complies with the Thoroughfare Plan;
3. The proposed zoning is compatible with the surrounding uses; and
4. Public and private facilities are available to serve the subject property.

**ITEM SUMMARY:** The applicant has requested “GR” zoning for the purpose of developing a Walgreens store.

According to the City of Temple Comprehensive Plan / Future Land Use Plan, the subject property is within the designated Auto-Urban Commercial District. The Auto-Urban Commercial District is for the majority of the areas identified for commercial use, generally concentrated at intersections versus strip development along major roads. The “GR” District is the standard retail zoning district and allows most retail uses intended to serve larger service areas.

The subject property is located on the SE Corner of South 31<sup>st</sup> Street and West Central Ave. Specifically, the subject property is bordered by West Central Ave to the north, South 31<sup>st</sup> Street to the west, West A Ave to the south and South 29<sup>th</sup> Street to the east. Both West Central Ave and South 31<sup>st</sup> Street are identified as Major Arterials in the Thoroughfare Plan and sufficient capacity exists for the proposed use.

Sufficient utilities are in place to accommodate the proposed use of the property. The subject property is served by 8" water lines in West Central Ave, South 31<sup>st</sup> Street and South 29<sup>th</sup> Street. A 6" sewer line is available to the property in West Central Ave and the alley. It should be noted that an application to abandon and relocate the existing 6" sewer line in the alley is in process.

**SURROUNDING PROPERTY AND USES:** The following table describes the subject property, existing zoning and current land uses:

<b><u>Direction</u></b>	<b><u>Zoning</u></b>	<b><u>Current Land Use</u></b>
Subject Property	GR, NS & 2F	Mixed Residential & Non-Residential
(N) Across W. Central Ave	2F	First Lutheran Church
(S) Across W. A Ave	2F & GR	Mixed Residential & Non-Residential
(E) Across S. 29 <sup>th</sup> Street	2F& O-2	Mixed Residential & Non-Residential
(W) Across S. 31 <sup>st</sup> Street	GR & O-2	General Retail & Offices

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

CP	Map 3.1 - Future Land Use and Character (FLUP)	Auto-Urban commercial is identified for the subject property as well as identified in all four directions from the subject property. Neighborhood Conservation is identified to the south of the subject property.	Yes
CP	Map 5.2 - Thoroughfare Plan	The subject property has frontage on W. Central Ave and S. 31 <sup>st</sup> Street, both identified as Major Arterials. Both S. 29 <sup>th</sup> Street and W. A Ave are identified as Local Streets.	Yes
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	The subject property is served by 8" water lines in W. Central Ave, S 31 <sup>st</sup> Street and S. 29 <sup>th</sup> Street. A 6" sewer line is available to the property in W. A Ave and in the existing alley. However the sewer line in the alley is proposed to be abandoned and relocated.	Yes
STP	Temple Trails Master Plan Map & sidewalks	The Master Plan Map has identified a proposed community-wide connector trail along S. 31 <sup>st</sup> Street.	Yes

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** The “GR” district is the standard retail zoning district and allows most retail uses including retail sales, restaurants, grocery stores and department stores. Other examples of permitted uses may include but not limited to: an indoor flea market, a temporary carnival/ circus or a beer and wine store with off-site consumption. Examples of conditional uses may include but not limited to: a temporary asphalt or concrete batch plant, petroleum or gas well, a kennel without a veterinary hospital, cemetery, crematorium, mausoleum or a sewage pumping station.

Standard non-residential setbacks in the “GR” district are:

Front	-	15'
Side	-	10'
Side (corner)	-	10'
Rear	-	0'

Per UDC Section 7.6.12, the property is subject to the Central Ave Corridor sign standards which place additional standards on wall and freestanding signage. Wall signs are restricted to no more than 10% of the tenant's wall frontage and one sign is permitted per business façade. In the case of freestanding signs: Low-profile signs are restricted to a maximum 50 square feet in area and 8' in height and high-profile signs are restricted to a maximum of 35 square feet in area and 15' in height but the height may be increased to 35' if certain setback and spacing requirements are met.

Since West Central Ave is identified as a major arterial in the Thoroughfare Plan, a 4' wide sidewalk is required. In addition, South 31<sup>st</sup> Street is identified as a major arterial as well as a proposed Community Wide Connector in the Trails Master Plan, an 8' wide sidewalk is required per UDC Section 8.2.3. The sidewalk would be triggered when a new building or structure is built requiring a building permit as set forth in UDC Section 3.13.

**PUBLIC NOTICE:** Sixteen notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of Monday May 3, 2013 at 5:00 PM, five notices had been returned in favor of the proposed zone change. No notices for disapproval had been received.

The newspaper printed notice of the Planning and Zoning Commission public hearing on April 25, 2013, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Subject Property Photos](#)  
[Zoning and Location Map](#)  
[Future Land Use and Character Map](#)  
[Notification Map](#)  
[Returned Property Owner Notices](#)  
[PZ Excerpts](#)  
[Ordinance](#)



**Subject Property: As Seen From South 29<sup>th</sup> Street**



**Subject Property: As From South 31<sup>st</sup> Street**





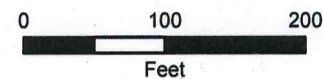
Z-FY-13-19

# Zone Change Request from GR, NS & 2F to GR

SE Corner S. 31st Ave & W. Central Ave



Case



4/26/2013  
City of Temple GIS  
mbaker

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

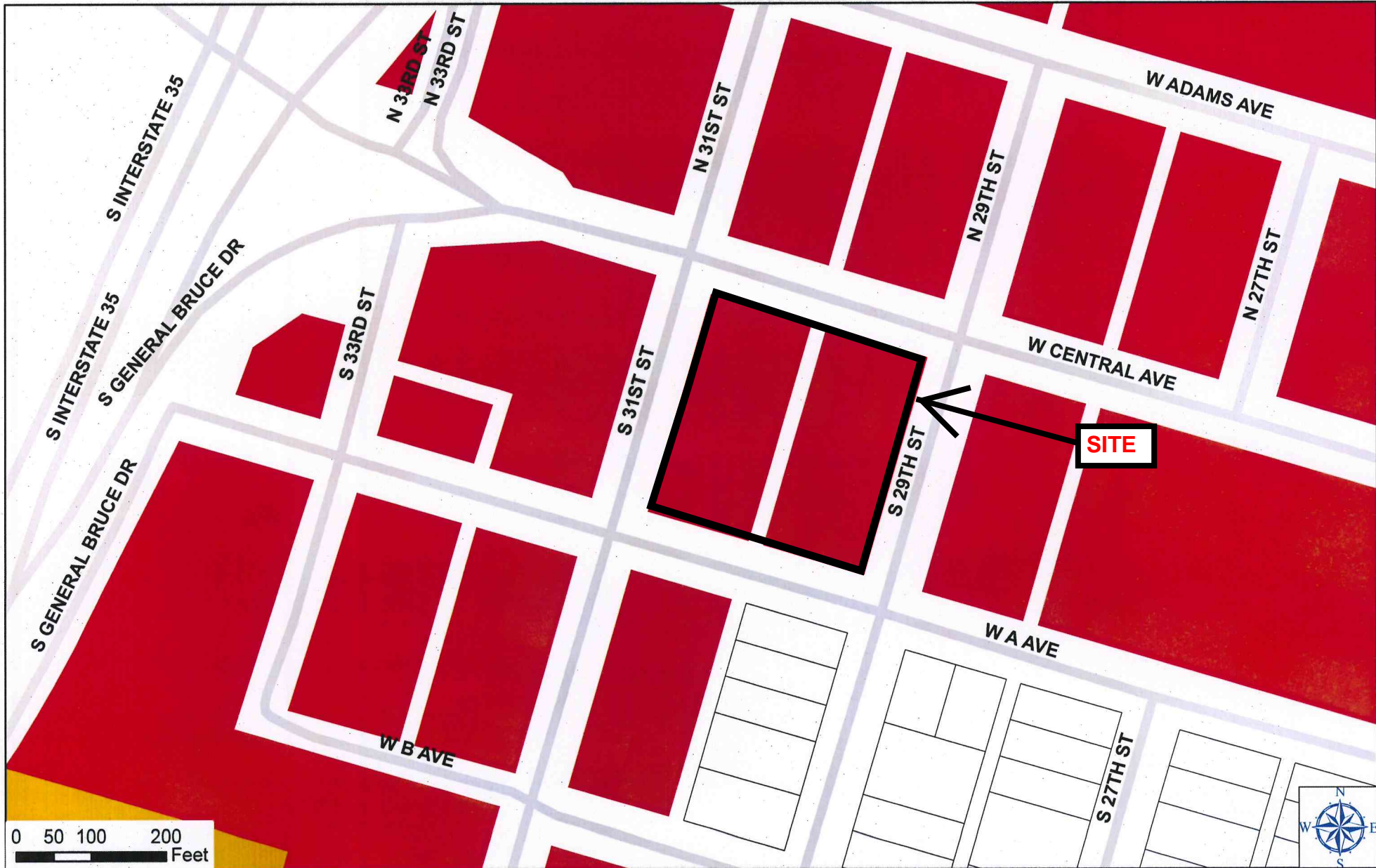




**Z-FY-13-19**

Zone Change from GR, NS & 2F to GR

SE Corner S. 31st St.  
& W. Central Ave



**Future Land Use**

Neighborhood Conservation	Auto-Urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks & Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park	Agricultural/Rural

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

4/19/2013  
City of Temple, GIS

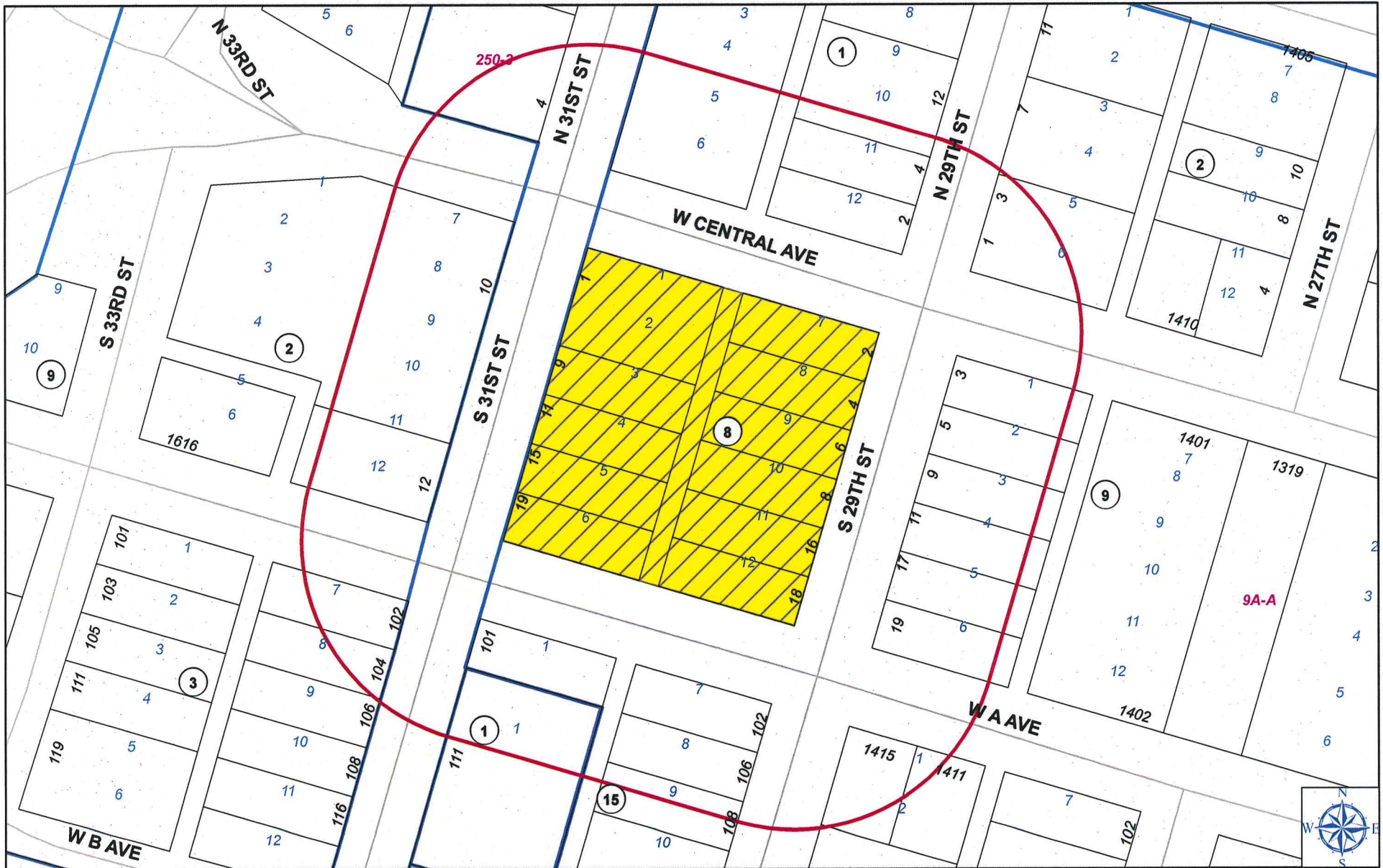






Z-FY-13-19

Zone Change Request from GR, NS & 2F to GR

SE Corner 31st Ave & Central



 Case  
 Buffer\_200  
1234-A Outblock Number  
1234 Address  
① Block Number  
1 Lot Number

0 100 200  
Feet

4/26/2013  
City of Temple GIS  
mbaker

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



**RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE**

First Lutheran Church  
1515 West Adams Avenue  
Temple, Texas 76504

**Zoning Application Number:** Z-FY-13-19

**Project Manager:** Mark Baker

**Location:** Southeast Corner of South 31<sup>st</sup> Street & West Central Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval      ( ) denial of this request.

**Comments:**

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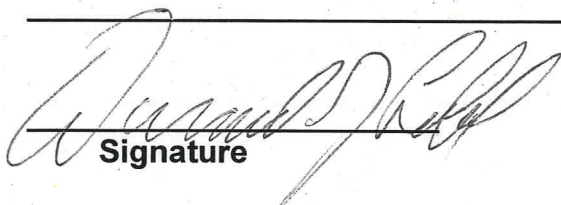
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Signature

Daniel T. Ladd  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**  
MAY 01 2013  
City of Temple  
Planning & Development

Number of Notices Mailed: 16

Date Mailed: April 25, 2013





RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE

CADA Ltd  
1 North 29<sup>th</sup> Street  
Temple, Texas 76504

Zoning Application Number: Z-FY-13-19

Project Manager: Mark Baker

Location: Southeast Corner of South 31<sup>st</sup> Street & West Central Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval ( ) denial of this request.

Comments:

I would be for approval if this is for a  
Walgreens Store. I understand they bought  
some of the effected lots.

Mitchel Davis for CADA  
Signature

Mitchel Davis for CADA  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

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MAY 02 2013

City of Temple  
Planning & Development

Number of Notices Mailed: 16

Date Mailed: April 25, 2013



RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE

Vijay Mehta  
805 Paint Brush Lane  
Temple, Texas 76502

Zoning Application Number: Z-FY-13-19

Project Manager: Mark Baker

Location: Southeast Corner of South 31<sup>st</sup> Street & West Central Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval ☐ denial of this request.

Comments:

We agree with the zoning request  
completely. That area is definitely  
best suited for GR

Vijay Mehta  
Signature

\_\_\_\_\_  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

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Planning & Development

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RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE

Alfred P. Mungia  
1415 West Avenue A  
Temple, Texas 76504

Zoning Application Number: Z-FY-13-19

Project Manager: Mark Baker

Location: Southeast Corner of South 31<sup>st</sup> Street & West Central Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval

☐ denial of this request.

Comments:

~~Comment's we approval~~  
Comment's we approval  
d recommend approval

Alfred P. Mungia  
Signature

ALFRED P. Mungia  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

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City of Temple  
Planning & Development

Number of Notices Mailed: 16

Date Mailed: April 25, 2013





**RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE**

Diane Waters Etal  
13517 Ridge Lane  
Macdoel, CA 96058

**Zoning Application Number:** Z-FY-13-19

**Project Manager:** Mark Baker

**Location:** Southeast Corner of South 31<sup>st</sup> Street & West Central Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval ( ) denial of this request.

**Comments:**

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Diane Waters  
Signature

DIANE WATERS  
Print Name

**Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013**

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

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**MAY 06 2013**

City of Temple  
Planning & Development

Number of Notices Mailed: 16

Date Mailed: April 25, 2013

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MAY 6, 2013**

**ACTION ITEMS**

**Item 3: Z-FY-13-19:** - Hold a public hearing to discuss and recommend action on a zone change from General Retail District (GR), Neighborhood Service District (NS), and Two Family District (2F) to General Retail District on Lots 1 – 12, Block 8, Freeman Heights Addition, being an area of 2.066 ± acres, located at the southeast corner of South 31st Street and West Central Avenue. (Travis Bousquet for property owners)

Mr. Mark Baker, Planner, stated this item would go forward to City Council on June 6, 2013 for first reading and June 20, 2013 for second reading.

The property is bordered by West Central Avenue to the north, South 31st Street to the west, West A Avenue on the south and South 29th Street to the east.

The zoning request from GR, NS, and Two-Family (2F) to GR would allow for the development of a Walgreens store. The Future Land Use and Character Map designate the area as Auto-Urban Commercial district.

Eight-inch water lines are located in West Central Avenue, South 31st Street and South 29th Street, a six-inch sewer line is located in West Central Avenue and in the alley and an abandonment application has been submitted to abandon and relocate the existing six-inch sewer line in the alley.

Surrounding properties includes mixed residential and commercial uses to the south, the First Lutheran Church lies to the north, mixed residential and nonresidential uses lie to the east, and to the west are primarily commercial uses.

Both South 31st Street and West Central Avenue are designated as major arterials by the Thoroughfare Plan.

Development regulations with the GR district allow most retail uses. Prohibited and Conditional uses are also given.

The property is subject to the Central Avenue Corridor Sign Standards. Mr. Baker gives some of the dimensional standards.

West Central Avenue is a major arterial and a four foot sidewalk is required. South 31st Street is a major arterial and a proposed community wide connector trail is identified in the Trails Master Plan and an eight foot wide sidewalk is required. A sidewalk would be triggered when a new building or structure is built requiring a permit per UDC Section 3.13 or based on a valuation of the remodel.

Sixteen notices were mailed out with five responses returned in favor of the request. Zero notices were received in opposition.

Staff recommends approval of the zoning request for the following reasons:

The proposed zoning is consistent with the Future Land Use and Character Map which identify the area as Auto-Urban Commercial;

The request complies with the Thoroughfare Plan plan;

The proposed zoning is compatible with surrounding uses; and

Facilities are available to serve the property.

Chair Staats opened the public hearing.

Mr. Travis Bousquet, applicant and civil engineer for Jeff Mallett and Co., stated he was available for any questions.

There being no further speakers, Chair Staats closed the public hearing.

Vice-Chair Sears made a motion to approve Item 3, Z-FY-13-19, and Commissioner Martin made a second.

*Motion passed: (7:0)*

Commissioners Talley and Johnson absent



ORDINANCE NO. \_\_\_\_\_

(PLANNING NO. Z-FY-13-19)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM GENERAL RETAIL DISTRICT (GR) TO NEIGHBORHOOD SERVICE DISTRICT (NS), AND FROM TWO FAMILY DISTRICT (2F) TO GENERAL RETAIL DISTRICT (GR) ON LOTS 1 THROUGH 12, BLOCK 8, FREEMAN HEIGHTS ADDITION, BEING AN AREA OF APPROXIMATELY 2.066 ACRES AND LOCATED AT THE SOUTHEAST CORNER OF SOUTH 31<sup>ST</sup> STREET AND WEST CENTRAL AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council approves a rezoning from General Retail District (GR) to Neighborhood Service District (NS), and from Two Family District (2F) to General Retail District (GR) on Lots 1 through 12, Block 8, Freeman Heights Addition, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 6<sup>th</sup> day of June, 2013.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **June**, 2013.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/20/13  
Item #4(L)  
Consent Agenda  
Page 1 of 5

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Beverly Zendt, Interim Director of Planning

**ITEM DESCRIPTION:** SECOND READING – Z-FY-13-17: Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to Neighborhood Service District (NS) on 4.916 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located on the south side of West Adams Avenue, at 7425 West Adams Avenue.

**P&Z COMMISSION RECOMMENDATION** At its meeting on May 6, 2013, the Planning and Zoning Commission voted 7/0 in accordance with Staff recommendation to recommend approval of a zone change from Agricultural District (AG) to Neighborhood Service District (NS). Commissioners Talley and Johnson were absent.




**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description, on second and final reading.

Staff recommends approval of the requested zone change to NS District for the following reasons:

1. The request does not comply with the Future Land Use and Character Map, but is consistent with the adjacent nonresidential development to the east;
2. The request complies with the Thoroughfare Plan; and
3. Public facilities will be available to subject property.

**ITEM SUMMARY:** Please refer to the draft minutes of case Z-FY-13-17 from the Planning and Zoning Commission meeting on May 6, 2013. The applicant requests a zone change from Agricultural District (AG) to Neighborhood Service District (NS). The applicant's requested zone change would allow development of nonresidential uses that are considered compatible with the existing residential uses to the south.

**SURROUNDING PROPERTY AND USES:** The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Church and Undeveloped Land	 <p>W Adams Ave.</p>
North	GR	Retail Uses	
South	SF-3	Single Family Residential Uses	

Direction	Zoning	Current Land Use	Photo
East	NS and SF-3	Nonresidential Development	
West	AG	Agricultural Uses / Undeveloped Land	

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	The applicant's property is identified as Suburban Residential. <b>The applicant's requested NS District does not comply with this recommendation, but is consistent with adjacent nonresidential development (zoned NS) to the east.</b> A zone change to the NS District would require an amendment to the Future Land Use and Character Plan.	N
CP	Map 5.2 - Thoroughfare Plan	The property fronts West Adams Avenue, which is identified as a Major Arterial. The requested NS district is appropriate along major arterials.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Utility maps show a 3-inch water line along the south right-of-way of West Adams Avenue. There's a 12-inch sewer line along the north right-of-way of West Adams Avenue and a 6-inch sewer line on the adjacent property to the east.	Y
STP	Temple Trails Master Plan Map & sidewalks	There is an existing Citywide Spine Trail along the north side of West Adams Avenue.	Y

CP = Comprehensive Plan      STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** According to the City of Temple Comprehensive Plan, the property's current Suburban Residential land use classification is characterized by mid-size single family lots, allowing for greater separation between dwellings and more emphasis on green space versus streets and driveways. Since the requested NS District does comply with the property's Suburban Residential land use classification, a zone change would require an amendment to the Future Land Use and Character Plan.

The requested NS zoning district is the most restrictive retail district and is intended to provide day-to-day retail and service needs for residential neighborhood service areas. This district should be located convenient to residential areas in locations such as the corner of a local road and a collector that serves the neighborhood.

The NS zoning district permits limited retail services, usually for a small neighborhood area, with uses such as a convenience store, bank, barber or beauty shop, small cleaners or florist, as well as some residential uses, except apartments.

A rezoning from the AG to the NS zoning district would allow many uses by right that would not have been allowed before. Those uses include, but are not limited to, the following:

Residential uses

Single Family Attached  
Single Family Detached  
Townhouse

Nonresidential uses

Office  
Restaurant  
Bank or savings and loan  
Food or Beverage sales store without fuel sales

**Prohibited uses** include home for the aged, HUD-Code manufactured homes, duplex, building material sales, mini-storage warehouse, welding or machine shop, and alcohol beverage sales for off-premise consumption in a package store, among others.

Dimensional standards for **nonresidential** development are as follows:

- Minimum lot size – N/A
- Minimum Lot Width – N/A
- Minimum Lot Depth – N/A
- Front Yard Setback – 15 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback – 10 feet

Dimensional standards for **residential** development (Single Family Detached) are as follows:

- Minimum lot size – 6,000 sq. ft.
- Minimum Lot Width – 50 feet
- Minimum Lot Depth – 100 feet
- Front Yard Setback – 15 feet
- Side Yard Setback – 10% lot width with 5 feet minimum
- Rear Yard Setback – 10 feet

The subject property is the site of an existing Church. Although development regulations require a 6-foot wide sidewalk along Major Arterials, such as West Adams Avenue, the subject property was developed without a sidewalk. The 6-foot sidewalk will be required with the property's redevelopment, per the UDC Section 7.3-Sidewalks:

**Applicability**

Sidewalks built in accordance with the standards in Sec. 8.2.3 are required adjacent to a collector street, minor arterial or major arterial if:

**A new building or structure is built requiring a Building Permit as set forth in Sec. 3.13; or the cost to remodel an existing structure is by 50 percent or more of the assessed value of the property per the current tax rolls.**

**PUBLIC NOTICE:** Thirty-three notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of May 17, 2013, three notices were returned in favor of the request and three notices were returned in opposition. One notice was returned undecided.

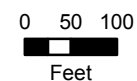
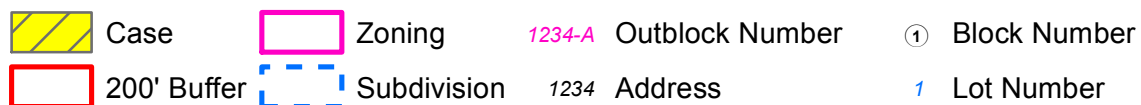
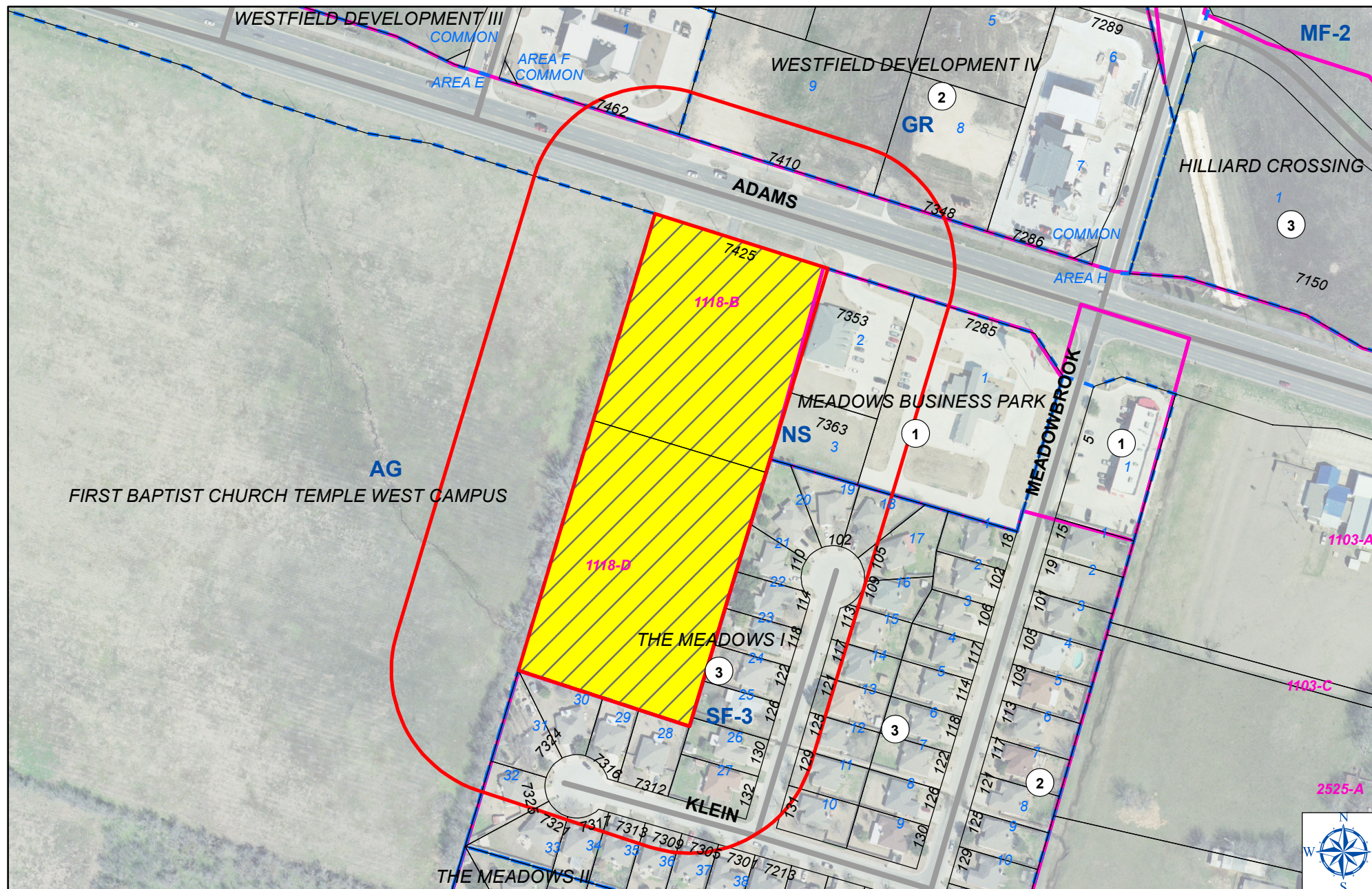
The newspaper printed notice of the Planning and Zoning Commission public hearing on April 25, 2013, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Zoning and Location Map](#)  
[Future Land Use and Character Map](#)  
[Notification Map](#)  
[Returned Notices](#)  
[PZ Excerpts](#)  
[Ordinance](#)





4/12/2013  
City of Temple GIS  
tlyerly

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

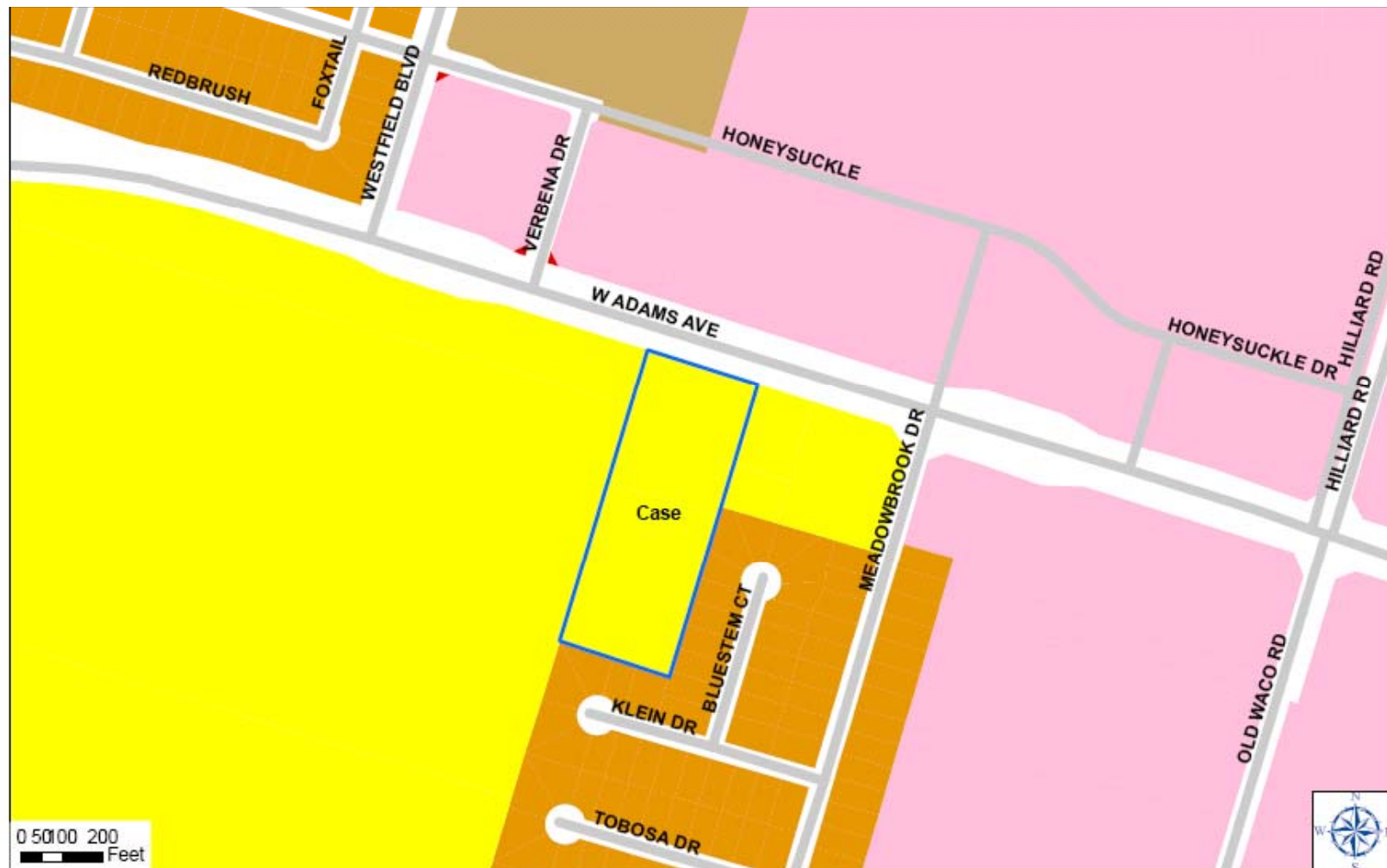




Z-FY-13-17

AG to NS

7425 West Adams



### Future Land Use

Neighborhood Conservation	Auto-Urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks & Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park	Agricultural/Rural

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

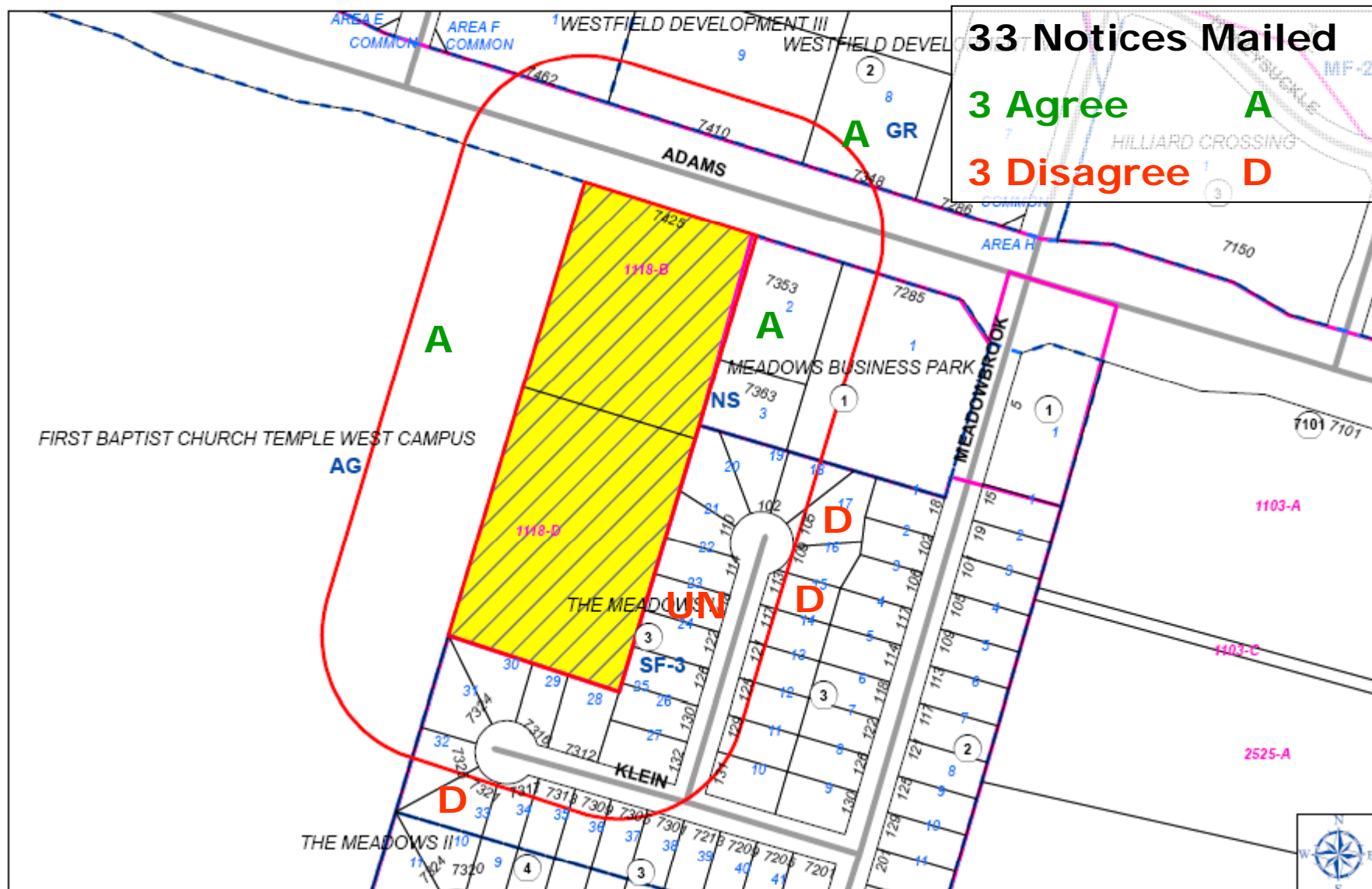
4/8/2013  
City of Temple GIS



Z-FY-13-17

AG to NS

7425 West Adams



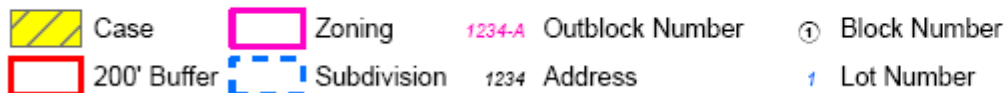
33 Notices Mailed

3 Agree

3 Disagree

A

D



0 50 100  
Feet

4/12/2013  
City of Temple GIS  
tyerty

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



**RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE**

Tem-Tex Investments Ltd  
P.O. Box 1344  
Temple, Texas 76503-1344

**Zoning Application Number:** Z-FY-13-17

**Project Manager:** Tammy Lyerly

**Location:** 7425 West Adams Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend (✓) approval ( ) denial of this request.

**Comments:**

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Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

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Planning & Development

Number of Notices Mailed: 33

Date Mailed: April 25, 2013





RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE

First Baptist Church of Temple  
204 West Calhoun  
Temple, Texas 76501

Zoning Application Number: Z-FY-13-17

Project Manager: Tammy Lyerly

Location: 7425 West Adams Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval ( ) denial of this request.

Comments:

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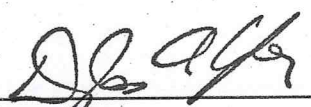
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Signature

Douglas A Young  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

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City of Temple  
Planning & Development

Number of Notices Mailed: 33

Date Mailed: April 25, 2013



**RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE**

Meadows business Partners LP  
7353 West Adams Avenue  
Temple, Texas 76502

**Zoning Application Number: Z-FY-13-17**

**Project Manager: Tammy Lyerly**

**Location: 7425 West Adams Avenue**

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ☒ ) approval ( ) denial of this request.

**Comments:**

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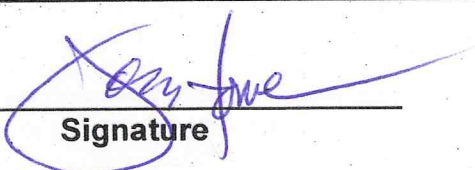
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**Signature**

JOHN C. HOWE  
**Print Name**

**Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013**

**City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501**

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**MAY 02 2013**

**City of Temple  
Planning & Development**

**Number of Notices Mailed: 33**

**Date Mailed: April 25, 2013**





RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE

Gregory Smith  
7321 Klein Drive  
Temple, Texas 76502

Zoning Application Number: Z-FY-13-17

Project Manager: Tammy Lyerly

Location: 7425 West Adams Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ) approval

☒ denial of this request.

Comments:

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Gregory Smith  
Signature

GREGORY SMITH  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

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**MAY 02 2013**

City of Temple  
Planning & Development

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RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE

Confidential Owner  
105 Bluestem Court  
Temple, Texas 76502

Zoning Application Number: Z-FY-13-17

Project Manager: Tammy Lyerly

Location: 7425 West Adams Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ) approval (X) denial of this request.

Comments:

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Margie Nickum  
Signature

NIEKAMP  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

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MAY 02 2013  
City of Temple  
Planning & Development

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RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE

Jesse Etux Alice Ortiz  
118 Bluestem Court  
Temple, Texas 76502

Zoning Application Number: Z-FY-13-17

Project Manager: Tammy Lyerly

Location: 7425 West Adams Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ) approval <sup>?</sup> ( ) denial of this request. <sup>?</sup>

Comments:

*It just depends on what will be built there. I have an allied fence facing that property. I sure don't want a 6-9 ft fence covering my driveway or a parking lot to where all the cars are. It just depends what will be in front of my property to look at.*

Alice Ortiz  
Signature

ALICE ORTIZ  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

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City of Temple  
Planning & Development

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Date Mailed: April 25, 2013





RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE

Jesse Koontz  
113 Bluestem Court  
Temple, Texas 76502

Zoning Application Number: Z-FY-13-17

Project Manager: Tammy Lyerly

Location: 7425 West Adams Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ) approval

(☒) denial of this request.

**Comments:**

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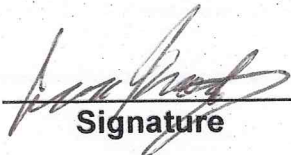
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Signature

Jesse Koontz  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 6, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

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APR 30 2013  
City of Temple  
Planning & Development

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**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MAY 6, 2013**

**ACTION ITEMS**

**Item 2: Z-FY-13-17** - Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to Neighborhood Service District (NS) on 4.916 ± acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, located at 7425 West Adams Avenue. (John Kiella for Vineyard Christian Fellowship Church)

Ms. Tammy Lyerly, Senior Planner, stated this case would go forward to City Council on June 6, 2013 for first reading and June 20, 2013 for second reading.

The property is located on West Adams and zoned Agricultural (AG). Applicant is asking for Neighborhood Service (NS) zoning. Surrounding properties include single family residential to the south, nonresidential development to the east, retail uses to the north, and AG uses/undeveloped land to the west.

The NS district may have both residential and nonresidential uses. Several prohibited uses are stated for the Commission.

NS zoning is the most restrictive retail district and is intended to provide day-to-day retail and service needs for residential neighborhood service areas. The district should be located convenient to residential areas in locations such as the corner of a local road and a collector that serves the neighborhood.

The Future Land Use and Character Map designate the area as Suburban-Residential which is not necessarily characteristic of the NS district even though NS district and uses are compatible with residential uses. If this zoning request is approved, amendments to the Future Land Use and Character Map would be made accordingly.

Water and sewer lines are available to serve the property. A water line is located along the south right-of-way of West Adams and a sewer line is located to the east. A 12-inch sewer line is across the street.

West Adams is designated as a major arterial which is compatible with NS.

Thirty-three notices were mailed out. Three responses were received in favor and three in opposition. One notice was undecided.

Staff recommends approval of the requested zone change from AG to NS for the following reasons:

The request does not comply with the Future Land Use and Character Map but it is consistent with the adjacent nonresidential development to the east.

The request complies with the Thoroughfare Plan Map and public facilities will be available to the subject property.

Chair Staats asked about the Baptist Church and the designated zoning (AG) and Ms. Lyerly stated churches are allowed in all zoning districts.

Chair Staats opened the public hearing.

Mr. John Kiella, 11122 Whiterock, Temple, Texas, stated he represents the church since he has the property under contract. Mr. Kiella asked about allowing townhomes in the NS district (single family attached).

After some discussion it was decided among Staff and Mr. Kiella that townhomes would be an allowed use by right (with limitations) in the NS zoning district. Ms. Lyerly stated there would be an amendment made to reflect this decision.

There being no further speakers, Chair Staats closed the public hearing.

Commissioner Martin made a motion to approve Item 2, Z-FY-13-17, as stated, and Commissioner Rhoads made a second.

*Motion passed: (7:0)*

Commissioners Talley and Johnson absent

ORDINANCE NO. \_\_\_\_\_

(PLANNING NO. Z-FY-13-17)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL DISTRICT (AG) TO NEIGHBORHOOD SERVICE DISTRICT (NS) ON APPROXIMATELY 4.916 ACRES, SITUATED IN THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, BELL COUNTY, TEXAS, LOCATED ON THE SOUTH SIDE OF WEST ADAMS AVENUE, AT 7425 WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council approves a permanent zoning from Agricultural District (AG) to Neighborhood Service District (NS) on approximately 4.916 acres, situated in the Nancy Chance Survey, Abstract No. 5, Bell County, Texas, and located on the south side of West Adams Avenue, at 7425 West Adams Avenue, more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the 6<sup>th</sup> day of June, 2013.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **June**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(M)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** SECOND READING: Consider adopting an ordinance authorizing an amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan to align with the 2022 Master Plan and to reflect the recent extension and expansion of the Reinvestment Zone No. 1 to 2062.

**STAFF RECOMMENDATION:** Adopt ordinance as presented in item description, on second and final reading.

**ITEM SUMMARY:** The Reinvestment Zone No. 1 Finance and Project Committees have had several meetings over the past few weeks to review and recommend amendments to the Financing and Project Plans to align with the 2022 Master Plan. The Master Plan spans a period of 6 years. However, the focus on phasing and financing the Master Plan capital improvements is the next two fiscal years. Once new real property improvements are completed in the RZ #1 boundary, a better assessment of actual value added to the property tax base can be made and realignment of funding for the projects can occur if needed.

In addition to amending the plans for the Master Plan Projects, Section 311.011 of the Tax Increment Financing Act defines the requirements of the Project and Financing Plans. The Financing Plan must include revenues and expenditures for the duration of the Zone. This amendment encompasses the recent extension and expansion of the Zone through the year 2062.

### **Revenues in the plans were adjusted based on the following assumptions:**

**Property taxes:** FY 2013 Taxable Values were revised to reflect the certified tax roll received from the Bell County Appraisal District. For FY 2014-2062 a 1% growth factor was applied to the FY 2013 base. Adjustments were made for expiring tax abatements and new growth in applicable years. Panda I was added in FY 2016 and the expiring abatement was added in FY 2026. Panda II was added in FY 2018 and expiring abatement values were added in years 2023-2028.

**Grant funds:** The Keep Temple Beautiful (KTB) Grant funds totaling \$250,000 were removed from FY 2013. When the future KTB funds are allocated, those will be added to the plan. The corresponding expenditure in Line 453 was also reduced by the same amount.

**Other revenues:** A cost sharing agreement has been negotiated for \$163,000 with a local distributor for their share of the Pepper Creek Main Stem Regional Detention Pond. The corresponding expenditure is reflected in Line 103 in FY 2013. The Zone's share of this project is \$687,000. The total project cost is \$850,000.

**Bond Issue:** A Combination Tax and Revenue Certificate of Obligations, Series 2013 (CO's) for \$25,275,000 has been added FY 2013 source of funds to finance capital improvements as detailed below. Sale date of the bonds is currently scheduled for July 18, 2013.

#### **DEBT SERVICE:**

**Debt service – 2013 Issue [Line 31]:** Bond payments for the 2013 debt issuance were added to the plan in years 2014-2033 totaling \$36,035,720. Estimated average annual debt service payments for the 2013 CO's is \$1,801,786. As of October 1, 2012, the RZ#1 had \$30,135,000 in bonds outstanding. All the existing debt will mature and be paid by December 2022.

#### **OPERATING EXPENDITURES:**

**Contractual Payments [Line 60]:** Marketing services provided by Temple Economic Development Corporation (TEDC) was increased by 5% annually beginning in FY 2023 through FY 2062.

#### **PROJECTS:**

The following 2022 Master Plan projects totaling \$25,540,000 were added to the Financing and Project Plans:

Project Area	Fiscal Year		
	2013	2014	Total
Temple Industrial Park	\$ 8,665,000	\$ 385,000	\$ 9,050,000
Corporate Campus Park	2,960,000	-	2,960,000
Bioscience Park	1,750,000	-	1,750,000
Synergy Park	1,110,000	-	1,110,000
Downtown	425,000	-	425,000
TMED	8,925,000	-	8,925,000
Airport Park	1,320,000	-	1,320,000
<b>TOTAL</b>	<b>\$25,155,000</b>	<b>\$ 385,000</b>	<b>\$25,540,000</b>

**Public Improvements:** [Line 610] Beginning in FY 2016, this line was adjusted to add public improvement appropriations while maintaining an annual fund balance ('dry powder') of approximately \$2,000,000.

**FISCAL IMPACT:** The Financing and Project Plans include the addition of revenue/increment associated with real property growth for the Panda Power Plant, the issuance of \$25,275,000 Certificate of Obligations to finance priority projects identified in the 2022 Master Plan and the associated debt service. In addition, the Financing Plan has been updated through 2062 to comply with Section 311.011 of the Tax Increment Financing Act.

**ATTACHMENTS:**

[Financing Plan](#)  
[Summary Financing Plan with Detailed Project Plan](#)  
[TRZ Master Plan Project Funding \[2013 & 2014\]](#)  
[Budget Adjustment](#)  
[Ordinance](#)



DESCRIPTION		Y/E 9/30/13 Year 31	Y/E 9/30/14 Year 32	Y/E 9/30/15 Year 33	Y/E 9/30/16 Year 34	Y/E 9/30/17 Year 35	Y/E 9/30/18 Year 36	Y/E 9/30/19 Year 37	Y/E 9/30/20 Year 38	Y/E 9/30/21 Year 39	Y/E 9/30/22 Year 40
1	"Taxable Increment"	\$ 151,501,569	\$ 154,707,189	\$ 157,254,113	\$ 322,383,715	\$ 340,364,509	\$ 424,792,743	\$ 429,040,670	\$ 433,331,077	\$ 437,664,388	\$ 468,734,522
1	FUND BALANCE, Begin	\$ 6,432,012	\$ 1,321,105	\$ 2,093,280	\$ 1,485,798	\$ 2,065,834	\$ 2,084,370	\$ 2,038,236	\$ 2,006,049	\$ 2,006,434	\$ 2,019,720
2	Adjustments to Debt Service Reserve	1,761,865	1,765,643	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 8,193,877	\$ 3,086,748	\$ 2,093,280	\$ 1,485,798	\$ 2,065,834	\$ 2,084,370	\$ 2,038,236	\$ 2,006,049	\$ 2,006,434	\$ 2,019,720
SOURCES OF FUNDS:											
4	Tax Revenues	4,780,654	4,848,557	4,908,567	13,233,921	13,777,927	16,158,502	16,307,892	16,458,775	16,611,168	17,096,375
6	Allowance for Uncollected Taxes	(71,710)	(72,728)	(73,629)	(198,509)	(206,669)	(242,378)	(244,618)	(246,882)	(249,168)	(256,446)
8	Interest Income-Other	50,000	50,000	50,000	50,000	50,000	50,000	40,000	40,000	30,000	10,000
10	Grant Funds	50,000	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	563,000	-	-	-	-	-	-	-	-	-
17	Bond Issue	25,275,000	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 30,682,944	\$ 4,861,829	\$ 4,920,938	\$ 13,121,412	\$ 13,657,258	\$ 16,002,124	\$ 16,139,274	\$ 16,287,893	\$ 16,428,000	\$ 16,885,929
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 38,876,821	\$ 7,948,577	\$ 7,014,218	\$ 14,607,210	\$ 15,723,092	\$ 18,086,494	\$ 18,177,510	\$ 18,293,942	\$ 18,434,434	\$ 18,905,650
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	619,200	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	1,474,569	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670	1,242,422
29	Debt Service - 2011A Issue {Refunding}	399,900	914,900	914,450	913,550	912,200	908,350	915,950	2,497,800	2,497,550	2,494,950
30	Debt Service - 2012 Issue {Refunding}	17,700	17,700	17,700	82,700	76,400	79,600	77,650	80,050	77,250	78,750
31	Debt Service - 2013 Issue	-	797,755	813,575	813,575	1,978,575	1,975,275	1,976,575	1,975,275	1,977,925	1,979,375
32	Issuance Costs	120,000	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
40	Subtotal-Debt Service	3,872,210	4,452,019	4,485,927	4,560,654	5,718,621	5,695,132	5,697,548	5,792,069	5,795,595	5,796,697
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	217,205	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,000	175,100
52	Legal/Audit	1,200	1,200	1,200	1,200	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	213,582	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	133,077	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	181,500	199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320	323,736
62	TISD-Reimbursement [per contract]	25,000	25,000	26,250	26,250	26,250	27,563	27,563	27,563	28,941	28,941
65	Subtotal-Operating Expenditures	946,564	775,850	797,065	819,027	831,205	845,201	858,518	872,501	888,561	904,077
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 4,818,774	\$ 5,227,869	\$ 5,282,992	\$ 5,379,681	\$ 6,549,826	\$ 6,540,333	\$ 6,556,066	\$ 6,664,570	\$ 6,684,156	\$ 6,700,774
80	Funds Available for Projects	\$ 34,058,047	\$ 2,720,708	\$ 1,731,226	\$ 9,227,530	\$ 9,173,266	\$ 11,546,161	\$ 11,621,444	\$ 11,629,373	\$ 11,750,278	\$ 12,204,876
PROJECTS											
150	Temple Industrial Park	9,515,000	385,000	-	-	-	-	-	-	-	-
200	Corporate Campus Park	2,960,000	-	-	-	-	-	-	-	-	-
250	Bioscience Park	3,057,733	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	129,350	-	-	-	-	-	-	-	-	-
400	Synergy Park	1,179,325	-	-	-	-	-	-	-	-	-
450	Downtown	1,326,682	242,428	245,428	661,696	688,896	807,925	815,395	822,939	830,558	854,819
500	TMED	13,082,503	-	-	-	-	-	-	-	-	-
510	Airport Park	1,486,349	-	-	-	-	-	-	-	-	-
610	Public Improvements	-	-	-	6,500,000	6,400,000	8,700,000	8,800,000	8,800,000	8,900,000	9,300,000
	Subtotal-Projects	32,736,942	627,428	245,428	7,161,696	7,088,896	9,507,925	9,615,395	9,622,939	9,730,558	10,154,819
TOTAL USE OF FUNDS		\$ 37,555,716	\$ 5,855,297	\$ 5,528,420	\$ 12,541,377	\$ 13,638,722	\$ 16,048,258	\$ 16,171,461	\$ 16,287,509	\$ 16,414,714	\$ 16,855,593
700	FUND BALANCE, End	\$ 1,321,105	\$ 2,093,280	\$ 1,485,798	\$ 2,065,834	\$ 2,084,370	\$ 2,038,236	\$ 2,006,049	\$ 2,006,434	\$ 2,019,720	\$ 2,050,057

DESCRIPTION		2023 41	2024 42	2025 43	2026 44	2027 45	2028 46	2029 47	2030 48	2031 49	2032 50
1	"Taxable Increment"	\$ 495,321,867	\$ 522,175,086	\$ 549,296,836	\$ 708,089,805	\$ 721,740,703	\$ 755,238,110	\$ 762,790,491	\$ 770,418,396	\$ 778,122,580	\$ 785,903,806
1	FUND BALANCE, Begin	\$ 2,050,057	\$ 2,088,863	\$ 2,011,634	\$ 2,029,383	\$ 2,066,328	\$ 2,038,647	\$ 2,076,773	\$ 2,081,515	\$ 2,053,990	\$ 2,092,739
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,050,057	\$ 2,088,863	\$ 2,011,634	\$ 2,029,383	\$ 2,066,328	\$ 2,038,647	\$ 2,076,773	\$ 2,081,515	\$ 2,053,990	\$ 2,092,739
SOURCES OF FUNDS:											
4	Tax Revenues	17,526,945	17,961,821	18,401,045	20,475,466	20,749,563	21,271,025	21,471,540	21,674,059	21,878,606	22,085,196
6	Allowance for Uncollected Taxes	(262,904)	(269,427)	(276,016)	(307,132)	(311,243)	(319,065)	(322,073)	(325,111)	(328,179)	(331,278)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 17,310,041	\$ 17,738,394	\$ 18,171,029	\$ 20,214,334	\$ 20,484,320	\$ 20,997,960	\$ 21,195,467	\$ 21,394,948	\$ 21,596,427	\$ 21,799,918
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 19,360,098	\$ 19,827,256	\$ 20,182,663	\$ 22,243,717	\$ 22,550,648	\$ 23,036,606	\$ 23,272,240	\$ 23,476,463	\$ 23,650,416	\$ 23,892,657
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue	1,974,625	1,978,825	1,976,675	1,978,325	1,978,038	1,979,138	1,978,313	1,975,563	1,976,625	1,975,250
32	Issuance Costs	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	1,974,625	1,978,825	1,976,675	1,978,325	1,978,038	1,979,138	1,978,313	1,975,563	1,976,625	1,975,250
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100
52	Legal/Audit	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	339,922	356,919	374,764	393,503	413,178	433,837	455,529	478,305	502,220	527,331
62	TISD-Reimbursement [per contract]	28,941	30,388	30,388	30,388	31,907	31,907	31,907	33,502	33,502	33,502
65	Subtotal-Operating Expenditures	920,263	938,707	956,552	975,291	996,485	1,017,144	1,038,836	1,063,207	1,087,122	1,112,233
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 2,894,888	\$ 2,917,532	\$ 2,933,227	\$ 2,953,616	\$ 2,974,523	\$ 2,996,282	\$ 3,017,149	\$ 3,038,770	\$ 3,063,747	\$ 3,087,483
80	Funds Available for Projects	\$ 16,465,210	\$ 16,909,725	\$ 17,249,436	\$ 19,290,102	\$ 19,576,125	\$ 20,040,325	\$ 20,255,092	\$ 20,437,692	\$ 20,586,669	\$ 20,805,174
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	876,347	898,091	920,052	1,023,773	1,037,478	1,063,551	1,073,577	1,083,703	1,093,930	1,104,260
500	TMED	-	-	-	-	-	-	-	-	-	-
510	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	13,500,000	14,000,000	14,300,000	16,200,000	16,500,000	16,900,000	17,100,000	17,300,000	17,400,000	17,700,000
	Subtotal-Projects	14,376,347	14,898,091	15,220,052	17,223,773	17,537,478	17,963,551	18,173,577	18,383,703	18,493,930	18,804,260
TOTAL USE OF FUNDS		\$ 17,271,235	\$ 17,815,623	\$ 18,153,280	\$ 20,177,389	\$ 20,512,001	\$ 20,959,833	\$ 21,190,726	\$ 21,422,473	\$ 21,557,677	\$ 21,891,743
700	FUND BALANCE, End	\$ 2,088,863	\$ 2,011,634	\$ 2,029,383	\$ 2,066,328	\$ 2,038,647	\$ 2,076,773	\$ 2,081,515	\$ 2,053,990	\$ 2,092,739	\$ 2,000,914

DESCRIPTION		2033 51	2034 52	2035 53	2036 54	2037 55	2038 56	2039 57	2040 58	2041 59	2042 60
1	"Taxable Increment"	\$ 793,762,844	\$ 801,700,472	\$ 809,717,477	\$ 817,814,652	\$ 825,992,798	\$ 834,252,726	\$ 842,595,253	\$ 851,021,206	\$ 859,531,418	\$ 868,126,732
1	FUND BALANCE, Begin	\$ 2,000,914	\$ 2,074,952	\$ 2,094,789	\$ 2,084,572	\$ 2,043,079	\$ 2,072,553	\$ 2,073,421	\$ 2,044,205	\$ 2,087,054	\$ 2,002,206
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,000,914	\$ 2,074,952	\$ 2,094,789	\$ 2,084,572	\$ 2,043,079	\$ 2,072,553	\$ 2,073,421	\$ 2,044,205	\$ 2,087,054	\$ 2,002,206
SOURCES OF FUNDS:											
4	Tax Revenues	22,293,851	22,504,596	22,717,445	22,932,425	23,149,554	23,368,854	23,590,347	23,814,054	24,039,999	24,268,202
6	Allowance for Uncollected Taxes	(334,408)	(337,569)	(340,762)	(343,986)	(347,243)	(350,533)	(353,855)	(357,211)	(360,600)	(364,023)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 22,005,443	\$ 22,213,027	\$ 22,422,683	\$ 22,634,439	\$ 22,848,311	\$ 23,064,321	\$ 23,282,492	\$ 23,502,843	\$ 23,725,399	\$ 23,950,179
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 24,006,357	\$ 24,287,979	\$ 24,517,473	\$ 24,719,010	\$ 24,891,390	\$ 25,136,874	\$ 25,355,913	\$ 25,547,048	\$ 25,812,453	\$ 25,952,385
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue	1,976,438									
32	Issuance Costs	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	1,976,438	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100
52	Legal/Audit	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	553,698	581,383	610,452	640,974	673,023	706,674	742,008	779,108	818,064	858,967
62	TISD-Reimbursement [per contract]	35,177	35,177	35,177	36,936	36,936	36,936	38,783	38,783	38,783	40,722
65	Subtotal-Operating Expenditures	1,140,275	1,167,960	1,197,029	1,229,310	1,261,359	1,295,010	1,332,191	1,369,291	1,408,247	1,451,089
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 3,116,713	\$ 1,167,960	\$ 1,197,029	\$ 1,229,310	\$ 1,261,359	\$ 1,295,010	\$ 1,332,191	\$ 1,369,291	\$ 1,408,247	\$ 1,451,089
80	Funds Available for Projects	\$ 20,889,644	\$ 23,120,019	\$ 23,320,444	\$ 23,489,700	\$ 23,630,030	\$ 23,841,864	\$ 24,023,722	\$ 24,177,757	\$ 24,404,206	\$ 24,501,296
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	1,114,693	1,125,230	1,135,872	1,146,621	1,157,478	1,168,443	1,179,517	1,190,703	1,202,000	1,213,410
500	TMED	-	-	-	-	-	-	-	-	-	-
510	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	17,700,000	19,900,000	20,100,000	20,300,000	20,400,000	20,600,000	20,800,000	20,900,000	21,200,000	21,200,000
	Subtotal-Projects	18,814,693	21,025,230	21,235,872	21,446,621	21,557,478	21,768,443	21,979,517	22,090,703	22,402,000	22,413,410
TOTAL USE OF FUNDS		\$ 21,931,405	\$ 22,193,189	\$ 22,432,901	\$ 22,675,931	\$ 22,818,837	\$ 23,063,453	\$ 23,311,708	\$ 23,459,994	\$ 23,810,247	\$ 23,864,499
700	FUND BALANCE, End	\$ 2,074,952	\$ 2,094,789	\$ 2,084,572	\$ 2,043,079	\$ 2,072,553	\$ 2,073,421	\$ 2,044,205	\$ 2,087,054	\$ 2,002,206	\$ 2,087,886

DESCRIPTION		2043 61	2044 62	2045 63	2046 64	2047 65	2048 66	2049 67	2050 68	2051 69	2052 70
1	"Taxable Increment"	\$ 876,808,000	\$ 885,576,080	\$ 894,431,840	\$ 903,376,159	\$ 912,409,920	\$ 921,534,019	\$ 930,749,360	\$ 940,056,853	\$ 949,457,422	\$ 958,951,996
1	FUND BALANCE, Begin	\$ 2,087,886	\$ 2,070,670	\$ 2,089,262	\$ 2,041,183	\$ 2,027,927	\$ 2,048,854	\$ 2,001,081	\$ 2,085,886	\$ 2,002,292	\$ 2,046,954
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,087,886	\$ 2,070,670	\$ 2,089,262	\$ 2,041,183	\$ 2,027,927	\$ 2,048,854	\$ 2,001,081	\$ 2,085,886	\$ 2,002,292	\$ 2,046,954
SOURCES OF FUNDS:											
4	Tax Revenues	20,567,723	20,761,204	20,956,621	21,153,991	21,353,336	21,554,674	21,758,026	21,963,409	22,170,847	22,380,363
6	Allowance for Uncollected Taxes	(308,516)	(311,418)	(314,349)	(317,310)	(320,300)	(323,320)	(326,370)	(329,451)	(332,563)	(335,705)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 20,305,207	\$ 20,495,786	\$ 20,688,272	\$ 20,882,681	\$ 21,079,036	\$ 21,277,354	\$ 21,477,656	\$ 21,679,958	\$ 21,884,284	\$ 22,090,658
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 22,393,093	\$ 22,566,456	\$ 22,777,534	\$ 22,923,864	\$ 23,106,963	\$ 23,326,208	\$ 23,478,736	\$ 23,765,844	\$ 23,886,577	\$ 24,137,611
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue	-	-	-	-	-	-	-	-	-	-
32	Issuance Costs	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100
52	Legal/Audit	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	901,915	947,011	994,362	1,044,080	1,096,284	1,151,098	1,208,653	1,269,085	1,332,540	1,399,167
62	TISD-Reimbursement [per contract]	40,722	40,722	42,758	42,758	42,758	44,896	44,896	44,896	47,141	47,141
65	Subtotal-Operating Expenditures	1,494,037	1,539,133	1,588,520	1,638,238	1,690,442	1,747,394	1,804,949	1,865,381	1,931,080	1,997,708
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 1,494,037	\$ 1,539,133	\$ 1,588,520	\$ 1,638,238	\$ 1,690,442	\$ 1,747,394	\$ 1,804,949	\$ 1,865,381	\$ 1,931,080	\$ 1,997,708
80	Funds Available for Projects	\$ 20,899,056	\$ 21,027,322	\$ 21,189,014	\$ 21,285,627	\$ 21,416,521	\$ 21,578,815	\$ 21,673,788	\$ 21,900,463	\$ 21,955,496	\$ 22,139,904
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	1,028,386	1,038,060	1,047,831	1,057,700	1,067,667	1,077,734	1,087,901	1,098,170	1,108,542	1,119,018
500	TMED	-	-	-	-	-	-	-	-	-	-
510	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	17,800,000	17,900,000	18,100,000	18,200,000	18,300,000	18,500,000	18,500,000	18,800,000	18,800,000	19,000,000
	Subtotal-Projects	18,828,386	18,938,060	19,147,831	19,257,700	19,367,667	19,577,734	19,587,901	19,898,170	19,908,542	20,119,018
TOTAL USE OF FUNDS		\$ 20,322,423	\$ 20,477,193	\$ 20,736,351	\$ 20,895,937	\$ 21,058,108	\$ 21,325,127	\$ 21,392,850	\$ 21,763,552	\$ 21,839,623	\$ 22,116,726
700	FUND BALANCE, End	\$ 2,070,670	\$ 2,089,262	\$ 2,041,183	\$ 2,027,927	\$ 2,048,854	\$ 2,001,081	\$ 2,085,886	\$ 2,002,292	\$ 2,046,954	\$ 2,020,886

DESCRIPTION		2053 71	2054 72	2055 73	2056 74	2057 75	2058 76	2059 77	2060 78	2061 79	2062 80
1	"Taxable Increment"	\$ 968,541,516	\$ 978,226,931	\$ 988,009,200	\$ 997,889,292	\$ 1,007,868,185	\$ 1,017,946,867	\$ 1,028,126,336	\$ 1,038,407,599	\$ 1,048,791,675	\$ 1,059,279,592
1	FUND BALANCE, Begin	\$ 2,020,886	\$ 2,022,711	\$ 2,048,555	\$ 2,099,101	\$ 2,072,511	\$ 2,064,297	\$ 2,074,742	\$ 2,001,462	\$ 2,039,271	\$ 2,087,966
2	Adjustments to Debt Service Reserve	-	-	-	-	-	-	-	-	-	-
3	Fund Balance Available for Appropriation	\$ 2,020,886	\$ 2,022,711	\$ 2,048,555	\$ 2,099,101	\$ 2,072,511	\$ 2,064,297	\$ 2,074,742	\$ 2,001,462	\$ 2,039,271	\$ 2,087,966
SOURCES OF FUNDS:											
4	Tax Revenues	22,591,969	22,805,694	23,021,555	23,239,576	23,459,775	23,682,177	23,906,803	24,133,676	24,362,817	24,594,251
6	Allowance for Uncollected Taxes	(338,880)	(342,085)	(345,323)	(348,594)	(351,897)	(355,233)	(358,602)	(362,005)	(365,442)	(368,914)
8	Interest Income-Other	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
10	Grant Funds	-	-	-	-	-	-	-	-	-	-
12	License Fee - Central Texas Railway	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000	36,000
14	Other Revenues	-	-	-	-	-	-	-	-	-	-
17	Bond Issue	-	-	-	-	-	-	-	-	-	-
20	Total Sources of Funds	\$ 22,299,089	\$ 22,509,609	\$ 22,722,232	\$ 22,936,982	\$ 23,153,878	\$ 23,372,944	\$ 23,594,201	\$ 23,817,671	\$ 24,043,375	\$ 24,271,337
25	TOTAL AVAILABLE FOR APPROPRIATION	\$ 24,319,975	\$ 24,532,319	\$ 24,770,787	\$ 25,036,083	\$ 25,226,389	\$ 25,437,241	\$ 25,668,943	\$ 25,819,133	\$ 26,082,646	\$ 26,359,303
USE OF FUNDS:											
DEBT SERVICE											
26	2003 Bond Issue {\$11.740}	-	-	-	-	-	-	-	-	-	-
27	2009 Bond Refunding	-	-	-	-	-	-	-	-	-	-
28	2008 Bond Issue-Taxable {\$10.365 mil}	-	-	-	-	-	-	-	-	-	-
29	Debt Service - 2011A Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
30	Debt Service - 2012 Issue {Refunding}	-	-	-	-	-	-	-	-	-	-
31	Debt Service - 2013 Issue	-	-	-	-	-	-	-	-	-	-
32	Issuance Costs	-	-	-	-	-	-	-	-	-	-
35	Paying Agent Services	-	-	-	-	-	-	-	-	-	-
40	Subtotal-Debt Service	-	-	-	-	-	-	-	-	-	-
OPERATING EXPENDITURES											
50	Prof Svcs/Proj Mgmt	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100	175,100
52	Legal/Audit	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300	1,300
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments [TEDC - Marketing]	1,469,125	1,542,581	1,619,710	1,700,696	1,785,731	1,875,017	1,968,768	2,067,206	2,170,567	2,279,095
62	TISD-Reimbursement [per contract]	47,141	49,498	49,498	49,498	51,973	51,973	51,973	54,572	54,572	54,572
65	Subtotal-Operating Expenditures	2,067,666	2,143,479	2,220,608	2,301,594	2,389,104	2,478,390	2,572,141	2,673,178	2,776,539	2,885,067
70	TOTAL DEBT & OPERATING EXPENDITURES	\$ 2,067,666	\$ 2,143,479	\$ 2,220,608	\$ 2,301,594	\$ 2,389,104	\$ 2,478,390	\$ 2,572,141	\$ 2,673,178	\$ 2,776,539	\$ 2,885,067
80	Funds Available for Projects	\$ 22,252,309	\$ 22,388,840	\$ 22,550,179	\$ 22,734,489	\$ 22,837,285	\$ 22,958,851	\$ 23,096,802	\$ 23,145,955	\$ 23,306,107	\$ 23,474,236
PROJECTS											
150	Temple Industrial Park	-	-	-	-	-	-	-	-	-	-
200	Corporate Campus Park	-	-	-	-	-	-	-	-	-	-
250	Bioscience Park	-	-	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	-	-	-	-	-	-	-	-	-	-
400	Synergy Park	-	-	-	-	-	-	-	-	-	-
450	Downtown	1,129,598	1,140,285	1,151,078	1,161,979	1,172,989	1,184,109	1,195,340	1,206,684	1,218,141	1,229,713
500	TMED	-	-	-	-	-	-	-	-	-	-
510	Airport Park	-	-	-	-	-	-	-	-	-	-
610	Public Improvements	19,100,000	19,200,000	19,300,000	19,500,000	19,600,000	19,700,000	19,900,000	19,900,000	20,000,000	20,200,000
	Subtotal-Projects	20,229,598	20,340,285	20,451,078	20,661,979	20,772,989	20,884,109	21,095,340	21,106,684	21,218,141	21,429,713
TOTAL USE OF FUNDS		\$ 22,297,264	\$ 22,483,764	\$ 22,671,686	\$ 22,963,573	\$ 23,162,092	\$ 23,362,499	\$ 23,667,481	\$ 23,779,862	\$ 23,994,680	\$ 24,314,780
700	FUND BALANCE, End	\$ 2,022,711	\$ 2,048,555	\$ 2,099,101	\$ 2,072,511	\$ 2,064,297	\$ 2,074,742	\$ 2,001,462	\$ 2,039,271	\$ 2,087,966	\$ 2,044,524

Project Plan - 05/29/13 - to Zone Board

SUMMARY FINANCING PLAN										
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
1	Beginning Available Fund Balance, Oct 1									
	\$ 6,432,012	\$ 1,321,105	\$ 2,093,280	\$ 1,485,798	\$ 2,065,834	\$ 2,084,370	\$ 2,038,236	\$ 2,006,049	\$ 2,006,434	\$ 2,019,720
20	Total Sources of Funds	30,682,944	4,861,829	4,920,938	13,121,412	13,657,258	16,002,124	16,139,274	16,287,893	16,428,000
2	Adjustments to Debt Service Reserve	1,761,865	1,765,643	-	-	-	-	-	-	-
25	Net Available for Appropriation	38,876,821	7,948,577	7,014,218	14,607,210	15,723,092	18,086,494	18,177,510	18,293,942	18,434,434
50/52	General Administrative Expenditures	218,405	176,200	176,200	176,200	176,300	176,300	176,300	176,300	176,400
54	Zone Park Maintenance [mowing, utilities, botanical supplies]	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
55	Zone Park Maintenance [maintenance]	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
56	Rail Maintenance	213,582	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
58	Road/Signage Maintenance	133,077	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
60	Contractual Payments (TEDC - Marketing)	181,500	199,650	219,615	241,577	253,655	266,338	279,655	293,638	308,320
62	TISD-Reimbursement [per contract]	25,000	25,000	26,250	26,250	26,250	27,563	27,563	27,563	28,941
26	Debt Service - 2003 Issue [\$11.740 mil]	619,200	-	-	-	-	-	-	-	-
27	Debt Service - 2009 Issue (Refunding)	1,474,569	1,479,969	1,499,769	1,508,775	1,510,150	1,488,750	1,485,000	-	-
28	Debt Service - 2008 Taxable Issue (\$10.365 mil)	1,239,641	1,240,495	1,239,233	1,240,854	1,240,096	1,241,957	1,241,173	1,237,744	1,241,670
29	Debt Service - 2011A Issue (Refunding)	399,900	914,900	914,450	913,550	912,200	908,350	915,950	2,497,800	2,497,550
30	Debt Service - 2012 Issue (Refunding)	17,700	17,700	17,700	82,700	76,400	79,600	77,650	80,050	77,250
31	Debt Service - 2013 Issue	-	797,755	813,575	813,575	1,978,575	1,975,275	1,976,575	1,975,275	1,977,925
32	Issuance Costs	120,000	-	-	-	-	-	-	-	-
33	Paying Agent Services	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200	1,200
70	Total Debt & Operating Expenditures	4,818,774	5,227,869	5,282,992	5,379,681	6,549,826	6,540,333	6,556,066	6,664,570	6,684,156
80	Funds Available for Projects	\$ 34,058,047	\$ 2,720,708	\$ 1,731,226	\$ 9,227,530	\$ 9,173,266	\$ 11,546,161	\$ 11,621,444	\$ 11,629,373	\$ 11,750,278
PROJECT PLAN										
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
TEMPLE INDUSTRIAL PARK:										
100	Northern "Y" Phase I	-	200,000	-	-	-	-	-	-	-
101	Trans-Load Grading (full site) (East)	-	185,000	-	-	-	-	-	-	-
102	Ladder Track Phase II	-	-	-	-	-	-	-	-	-
103	Pepper Creek Main Stem Regional Detention Pond	850,000	-	-	-	-	-	-	-	-
104	Research Pkwy (IH 35 to Wendland Ultimate)	2,705,000	-	-	-	-	-	-	-	-
105	Research Pkwy (Wendland to McLane Pkwy)	5,960,000	-	-	-	-	-	-	-	-
106	Northeast Utilities @ IH 35/Loop 363	-	-	-	-	-	-	-	-	-
150	Total North Zone/Rail Park (including Enterprise Park)	9,515,000	385,000	-	-	-	-	-	-	-
CORPORATE CAMPUS PARK:										
155	Bioscience Trail Connection to Airport	750,000	-	-	-	-	-	-	-	-
156	McLane Pkwy/Research Pkwy Connection	710,000	-	-	-	-	-	-	-	-
157	Research Pkwy (McLane Pkwy to Central Point Pkwy)	1,500,000	-	-	-	-	-	-	-	-
200	Total Corporate Campus Park	2,960,000	-	-	-	-	-	-	-	-
BIOSCIENCE PARK:										
204	Pepper Creek Trail Connection to S&W	566,373	-	-	-	-	-	-	-	-
205	Bioscience Park Service Road & Utility Extensions	741,360	-	-	-	-	-	-	-	-
207	Trail Landscaping, Irrigation and Lights	1,750,000	-	-	-	-	-	-	-	-
250	Total Bio-Science Park	3,057,733	-	-	-	-	-	-	-	-
350	Northwest Loop 363 Improvements (TxDOT commitment)	129,350	-	-	-	-	-	-	-	-
SYNERGY PARK:										
351	Lorraine Drive (Southeast Industrial Park) - [\$1.5M total project cost]	69,325	-	-	-	-	-	-	-	-
352	Entry Enhancement	500,000	-	-	-	-	-	-	-	-
353	Lorraine Drive/Panda Drive Asphalt	610,000	-	-	-	-	-	-	-	-
354	Improvements/Contingency for Synergy Park	-	-	-	-	-	-	-	-	-
400	Total Synergy Park	1,179,325	-	-	-	-	-	-	-	-
DOWNTOWN:										
401	Downtown Improvements [1999 Ordinance]	843,202	242,428	245,428	661,696	688,896	807,925	815,395	822,939	830,558
402	Rail Safety Zone Study	3,150	-	-	-	-	-	-	-	-
403	Lot Identification & Signage	55,330	-	-	-	-	-	-	-	-
404	Santa Fe Plaza	300,000	-	-	-	-	-	-	-	-
405	Downtown Master Plan	125,000	-	-	-	-	-	-	-	-
406	MLK Park	-	-	-	-	-	-	-	-	-
450	Total Downtown	1,326,682	242,428	245,428	661,696	688,896	807,925	815,395	822,939	830,558
TMED:										
451	TMED - 1st Street @ Temple College - STEP Grant Match	438,450	-	-	-	-	-	-	-	-
452	Master Plan Integration 2010	1,550	-	-	-	-	-	-	-	-
453	TMED - 1st Street @ Loop 363 Design/Construction - Design only	276,776	-	-	-	-	-	-	-	-
454	TMED - Friars Creek Trail 5th Street to S&W Blvd. - [\$1.9M total project cost - DOE Grant of \$400K]	1,206,943	-	-	-	-	-	-	-	-
455	Avenue R - S&W Blvd, Ave R - 19th Intersections	2,005,641	-	-	-	-	-	-	-	-
456	Ave U from S&W Blvd to 1st St & the 13th to 17th connector from Ave R to Loop 363	27,583	-	-	-	-	-	-	-	-
457	South 1st Street Improvements from the Temple College Apartments to Ave O	200,560	-	-	-	-	-	-	-	-
458	Loop 363 Frontage Rd (UPRR to 5th TIRZ portion)	6,450,000	-	-	-	-	-	-	-	-
459	Monumentation	520,000	-	-	-	-	-	-	-	-
460	Ave U TMED Ave. to 1st Street	1,275,000	-	-	-	-	-	-	-	-
461	TMED Master Plan (Health Care Campus)	125,000	-	-	-	-	-	-	-	-
462	TMED Master Plan & Thoroughfare Plan	55,000	-	-	-	-	-	-	-	-
463	Friars Creek Trail to Ave. R Trail	500,000	-	-	-	-	-	-	-	-
464	Veteran's Memorial Blvd. Phase II	-	-	-	-	-	-	-	-	-
500	Total TMED	13,082,503	-	-	-	-	-	-	-	-
AIRPORT PARK:										
501	Gateway Entrance Projects	1,250	-	-	-	-	-	-	-	-
502	Airport Corporate Hangar Development/Improvements	165,099	-	-	-	-	-	-	-	-
503	Fuel Farm Loop Roadway	110,000	-	-	-	-	-	-	-	-
504	Airport Terminal Access Enhancement	115,000	-	-	-	-	-	-	-	-
505	Airport Entry Landscaping & Signage	230,000	-	-	-	-	-	-	-	-
506	Northwest Airport Parking & Entrance	865,000	-	-	-	-	-	-	-	-
507	East Airport Commercial Facility Improvements	-	-	-	-	-	-	-	-	-
508	Corporate Hangar Phase II	-	-	-	-	-	-	-	-	-
550	Total Airport Park	1,486,349	-	-	-	-	-	-	-	-
610	Public Improvements	-	-	-	6,500,000	6,400,000	8,700,000	8,800,000	8,800,000	8,900,000
	Total Planned Project Expenditures	32,736,942	627,428	245,428	7,161,696	7,088,896	9,507,925	9,615,395	9,622,939	9,730,558
700	Available Fund Balance at Year End	\$ 1,321,105	\$ 2,093,280	\$ 1,485,798	\$ 2,065,834	\$ 2,084,370	\$ 2,038,236	\$ 2,006,049	\$ 2,006,434	\$ 2,019,720

TRZ Master Plan Project Funding [2013 & 2014]

Project #	<b>Temple Industrial Park</b>	Bond Issue		TIRZ Rev funded
		\$	8,665,000	\$ 385,000
	Project Description	2013	2014	Totals
1	Research Pkwy (IH35 to Wendland Ultimate)	\$ 2,705,000	\$ -	\$ 2,705,000
2	Research Pkwy (Wendland to McLane Prkwy)	\$ 5,960,000	\$ -	\$ 5,960,000
3	Northern "Y" Phase I	\$ -	\$ 200,000	\$ 200,000
4	Trans-Load Grading (Full Site) (East)	\$ -	\$ 185,000	\$ 185,000
	<b>SUBTOTAL</b>	<b>\$ 8,665,000</b>	<b>\$ 385,000</b>	<b>\$ 9,050,000</b>

	<b>Corporate Campus Park</b>	Bond Issue		
		\$	2,960,000	
	Project Description	2013	2014	Totals
5	Bioscience Trail Connection to Airport	\$ 750,000	\$ -	\$ 750,000
6	McLane Prkwy/Research Pkwy Connection	\$ 710,000	\$ -	\$ 710,000
7	Research Pkwy (McLane Pkwy to Central Pt. Pkwy)	\$ 1,500,000	\$ -	\$ 1,500,000
	<b>SUBTOTAL</b>	<b>\$ 2,960,000</b>	<b>\$ -</b>	<b>\$ 2,960,000</b>

	<b>Bioscience Park</b>	Bond Issue		
		\$	1,750,000	
	Project Description	2013	2014	Totals
8	Trail Landscaping, Irrigation and Lights	\$ 1,750,000	\$ -	\$ 1,750,000
	<b>SUBTOTAL</b>	<b>\$ 1,750,000</b>	<b>\$ -</b>	<b>\$ 1,750,000</b>

	<b>Synergy Park</b>	Bond Issue		
		\$	1,110,000	
	Project Description	2013	2014	Totals
9	Entry Enhancement	\$ 500,000	\$ -	\$ 500,000
10	Lorraine Drive/Panda Drive Asphalt	\$ 610,000	\$ -	\$ 610,000
	<b>SUBTOTAL</b>	<b>\$ 1,110,000</b>	<b>\$ -</b>	<b>\$ 1,110,000</b>

	<b>Downtown</b>	Bond Issue		
		\$	425,000	
	Project Description	2013	2014	Totals
11	Santa Fe Plaza	\$ 300,000	\$ -	\$ 300,000
12	Downtown Master Plan	\$ 125,000	\$ -	\$ 125,000
	<b>SUBTOTAL</b>	<b>\$ 425,000</b>	<b>\$ -</b>	<b>\$ 425,000</b>

	<b>Temple Medical Education District [TMED]</b>	Bond Issue		
		\$	8,925,000	
	Project Description	2013	2014	Totals
13	Loop 363 FR (UPRR to 5th TRZ portion)	\$ 6,450,000	\$ -	\$ 6,450,000
14	Monumentation (4)	\$ 520,000	\$ -	\$ 520,000
15	Ave U TMED Ave. to 1st	\$ 1,275,000	\$ -	\$ 1,275,000
16	TMED Master Plan (Health Care Campus)	\$ 125,000	\$ -	\$ 125,000
17	TMED Master Plan & Thoroughfare Plan *	\$ 55,000	\$ -	\$ 55,000
18	Friars Creek Trail to Ave. R Trail	\$ 500,000	\$ -	\$ 500,000
	<b>SUBTOTAL</b>	<b>\$ 8,925,000</b>	<b>\$ -</b>	<b>\$ 8,925,000</b>

	<b>Airport Park</b>	Bond Issue		
		\$	1,320,000	
	Project Description	2013	2014	Totals
19	Fuel Farm Loop Roadway	\$ 110,000	\$ -	\$ 110,000
20	Airport Terminal Access Enhancement	\$ 115,000	\$ -	\$ 115,000
21	Airport Entry Landscaping & Signage	\$ 230,000	\$ -	\$ 230,000
22	Northwest Airport Parking & Entrance	\$ 865,000	\$ -	\$ 865,000
	<b>SUBTOTAL</b>	<b>\$ 1,320,000</b>	<b>\$ -</b>	<b>\$ 1,320,000</b>

<b>PROGRAM GRAND TOTAL</b>	<b>\$ 25,155,000</b>	<b>\$ 385,000</b>	<b>\$ 25,540,000</b>
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These are rail projects and will be funded with current TIRZ revenues in the FP

<b>Total</b>
<b>\$ 25,540,000</b>
<b>\$ 25,155,000</b>
<b>Bond issue</b>
<b>\$ 385,000</b>
<b>TIRZ Rev funded</b>

FY **2013****BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

**Adjustments should be rounded to the nearest \$1.**

		+		-	
ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
795-9500-531-65-62	100994	Pepper Creek Main Stem Reg Det Pnd	\$ 850,000		
795-9500-531-65-14	100692	Rail Maintenance		\$ 124,720	
795-9500-531-65-18	100694	Public Impr in North Zone		\$ 99,440	
795-9500-531-65-56	100812	Pepper Creek Trail Extension		\$ 462,840	
795-0000-461-08-65		Miscellaneous Reimbursements	\$ 163,000		
795-9700-531-68-25	100256	Railroad Park Phase II		\$ 8,800	
795-0000-358-11-10		Unreserved Fund Balance	\$ 8,800		
795-0000-431-02-61		State Grant Revenues		\$ 250,000	
795-9500-531-65-51	100700	TMED-1st Street @ Loop 363		\$ 250,000	
		<b>Do not post</b>			
<b>TOTAL.....</b>			<b>\$1,021,800</b>	<b>\$1,195,800</b>	

**EXPLANATION OF ADJUSTMENT REQUEST-** Include justification for increases AND reason why funds in decreased account are available.

To appropriate funds as recommended by the Reinvestment Zone No. 1 Board at its 05/29/13 meeting and as approved on second reading by Council on 06/20/13.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

6/20/2013

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved



FY 2013

**BUDGET ADJUSTMENT FORM**

Use this form to make adjustments to your budget. All adjustments must balance within a Department.

**Adjustments should be rounded to the nearest \$1.**

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-

ACCOUNT NUMBER	PROJECT #	ACCOUNT DESCRIPTION	INCREASE	DECREASE	
795-0000-490-15-16		Bond Proceeds	\$ 25,275,000		
795-9800-531-68-63	101000	Research Pkwy (IH35 to Wendland)	2,705,000		
795-9800-531-68-64	101001	Research Pkwy (Wendland to McLane)	5,960,000		
795-9800-531-68-65	101002	Bioscience Trail Connection to Airport	750,000		
795-9800-531-68-66	101003	McLane Pkwy/Research Pkwy Connection	710,000		
795-9800-531-68-66	101004	Research Pkwy (McLane Pkwy to Central Pt Pkwy)	1,500,000		
795-9800-531-68-67	101005	Bioscience Trail Landscaping, Irrigation & Lights	1,750,000		
795-9800-531-68-68	101006	Synergy Park Entry Enhancement	500,000		
795-9800-531-68-69	101007	Lorraine Drive/Panda Drive Asphalt	610,000		
795-9800-531-68-70	101008	Santa Fe Plaza	300,000		
795-9800-531-68-71	101009	Downtown Master Plan	125,000		
795-9800-531-68-72	101010	Loop 363 FR (UPRR to 5th TRZ Portion)	6,450,000		
795-9800-531-68-73	101011	Monumentation	520,000		
795-9800-531-68-74	101012	Ave U TMED Ave. to 1st	1,275,000		
795-9800-531-68-75	101013	TMED Master Plan	125,000		
795-9800-531-68-75	101014	TMED Master Plan & Thoroughfare Plan	55,000		
795-9800-531-68-76	101015	Friar's Creek Trail to Ave. R Trail	500,000		
795-9800-531-68-77	101016	Fuel Farm Loop Roadway	110,000		
795-9800-531-68-78	101017	Airport Terminal Access Enhancement	115,000		
795-9800-531-68-79	101018	Airport Entry Landscaping & Signage	230,000		
795-9800-531-68-80	101019	NW Airport Parking & Entrance	865,000		
795-9800-531-73-12		Issuance Costs	120,000		
<b>TOTAL.....</b>			<b>\$ 50,550,000</b>	<b>\$ -</b>	

**EXPLANATION OF ADJUSTMENT REQUEST-** Include justification for increases AND reason why funds in decreased account are available.

To appropriate funds as recommended by the Reinvestment Zone No. 1 Board at its 05/29/13 meeting and as approved on second reading by Council on 06/20/13.

DOES THIS REQUEST REQUIRE COUNCIL APPROVAL?

☒

Yes

☐

No

DATE OF COUNCIL MEETING

6/20/2013

WITH AGENDA ITEM?

☒

Yes

☐

No

Department Head/Division Director

Date

☐

Approved

☐

Disapproved

Finance

Date

☐

Approved

☐

Disapproved

City Manager

Date

☐

Approved

☐

Disapproved

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING AN AMENDMENT TO THE TAX INCREMENT FINANCING REINVESTMENT ZONE NO. 1 FINANCING PLAN TO ALIGN WITH THE 2022 MASTER PLAN AND TO REFLECT THE RECENT EXTENSION AND EXPANSION OF THE REINVESTMENT ZONE NO. 1 TO 2062; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; DECLARING FINDINGS OF FACT; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the City Council (the "Council") of the City of Temple, Texas, (the "City") created Reinvestment Zone Number One, City of Temple, Texas (the "Zone") by Ordinance No. 1457 adopted on September 16, 1982;

**Whereas**, the Council adopted a Project Plan and Reinvestment Zone Financing Plan for the Zone by Ordinance No. 1525 adopted on December 22, 1983, and thereafter amended such plans by Ordinance No. 1664 adopted on June 20, 1985, Ordinance No. 1719 adopted on November 21, 1985, Ordinance No. 1888 adopted on December 21, 1987, Ordinance No. 1945 adopted on October 20, 1988; Ordinance No. 1961 adopted on December 1, 1988; Ordinance No. 2039 adopted on April 19, 1990; Ordinance No. 91-2119 adopted on December 5, 1991; Ordinance No. 92-2138 adopted on April 7, 1992; Ordinance No. 94-2260 adopted on March 3, 1994; Ordinance No. 95-2351 adopted on June 15, 1995; Ordinance No. 98-2542 adopted on February 5, 1998; Ordinance No. 98-2582 adopted on November 19, 1998; Ordinance No. 99-2619 adopted on March 18, 1999; Ordinance No. 99-2629 adopted on May 6, 1999; Ordinance No. 99-2631 adopted on May 20, 1999; Ordinance No. 99-2647 adopted on August 19, 1999; Ordinance No. 99-2678 adopted on December 16, 1999; Ordinance No. 2000-2682 adopted on January 6, 2000; Ordinance No. 2000-2729 adopted on October 19, 2000; Ordinance No. 2001-2772 adopted on June 7, 2001; Ordinance No. 2001-2782 adopted on July 19, 2001; Ordinance No. 2001-2793 adopted on September 20, 2001; Ordinance No. 2001-2807 on November 15, 2001; Ordinance No. 2001-2813 on December 20, 2001; Ordinance No. 2002-2833 on March 21, 2002; Ordinance No. 2002-2838 on April 18, 2002; Ordinance No. 2002-3847 on June 20, 2002; Ordinance No. 2002-3848 on June 20, 2002; Ordinance No. 2002-3868 on October 17, 2002; Ordinance No. 2003- 3888 on February 20, 2003; Ordinance No. 2003-3894 on April 17, 2003; Ordinance No 2003-3926 on September 18, 2003; Ordinance No. 2004-3695 on July 1, 2004; Ordinance No. 2004-3975 on August 19, 2004; Ordinance No. 2004-3981 on September 16, 2004; Ordinance No. 2005-4001 on May 5, 2005; Ordinance No. 2005-4038 on September 15, 2005; Ordinance No. 2006-4051 on January 5, 2006; Ordinance No. 2006-4076 on the 18<sup>th</sup> day of May, 2006; Ordinance No. 2006-4118; Ordinance No. 2007-4141 on the 19<sup>th</sup> day of April, 2007; Ordinance No. 2007-4155 on July 19, 2007; Ordinance No. 2007-4172 on the 20<sup>th</sup> day of September, 2007; Ordinance No. 2007-4173 on October 25, 2007; Ordinance No. 2008-4201 on the 21<sup>st</sup> day of February, 2008; and Ordinance No. 2008-4217 the 15<sup>th</sup> day of May, 2008;

Ordinance No. 2008-4242 the 21<sup>st</sup> day of August, 2009; Ordinance No. 2009-4290 on the 16<sup>th</sup> day of April, 2009; Ordinance No. 2009-4294 on the 21<sup>st</sup> day of May, 2009; Ordinance No. 2009-4316 on the 17<sup>th</sup> day of September, 2009; Ordinance No. 2009-4320 on the 15<sup>th</sup> day of October, 2009; Ordinance No. 2010-4338 on the 18<sup>th</sup> day of February, 2010; Ordinance No. 2010-4371 on the 19<sup>th</sup> day of August, 2010; Ordinance No. 2010-4405 on November 4, 2010; Ordinance No. 2011-4429 on March 17, 2011; Ordinance No. 2011-4455 on July 21, 2011; Ordinance No. 2011-4477 on October 20, 2011; Ordinance No. 2012-4540 on June 21, 2012; and Ordinance No. 2012-4546 on July 19, 2012; Ordinance No. 2012-4554 on September 20, 2012; Ordinance No. 2012-4566 on November 15, 2012; **Ordinance No. 2013-\_\_\_\_\_ on June 20, 2013;**

**Whereas**, the Board of Directors of the Zone has adopted an additional amendment to the Reinvestment Zone Financing and Project Plans for the Zone and forwarded such amendment to the Council for appropriate action;

**Whereas**, the Council finds it necessary to amend the Reinvestment Zone Financing and Project Plans for the Zone to include financial information as hereinafter set forth;

**Whereas**, the Council finds that it is necessary and convenient to the implementation of the Reinvestment Zone Financing and Project Plans, including the additional amendment, to establish and provide for an economic development program within the meaning of Article III, Section 52-a of the Texas Constitution ("Article III, Section 52-a"), Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including programs to make grants and loans of Zone assets or from the tax increment fund of the Zone in an aggregate amount not to exceed the amount of the tax increment produced by the City and paid into the tax increment fund for the Zone for activities that benefit the Zone and stimulate business and commercial activity in the Zone as further determined by the City;

**Whereas**, the Council further finds that the acquisition of the land and real property assembly costs as described in the additional amendment to the Reinvestment Zone Financing and Project Plans are necessary and convenient to the implementation of the Reinvestment Zone Financing and Project Plans and will help develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone by providing land for development of future business and commercial activity, attracting additional jobs within the City and attracting additional sales and other taxes within the City; and

**Whereas**, the Council finds that such amendment to the Reinvestment Zone Financing and Project Plans is feasible and conforms to the Comprehensive Plan of the City, and that this action will promote economic development within the City of Temple.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS THAT:

**Part 1: Findings.** The statements contained in the preamble of this ordinance are true and correct and are adopted as findings of fact hereby.

**Part 2: Reinvestment Zone Financing and Project Plans.** The amendment to the Tax Increment Financing Reinvestment Zone No. 1 Financing Plan, heretofore adopted by the Board of Directors of the Zone and referred to in the preamble of this ordinance, is hereby approved and adopted, as set forth in the Amendments to Reinvestment Zone Number 1, City of Temple, Texas, attached hereto as Exhibits A and B. This expenditure requires an amendment to the 2012-2013 budget, a copy of which is attached hereto, as Exhibit C.

**Part 3: Plans Effective.** The Financing Plan and Project Plans for the Zone heretofore in effect shall remain in full force and effect according to the terms and provisions thereof, except as specifically amended hereby.

**Part 4: Copies to Taxing Units.** The City Secretary shall provide a copy of the amendment to the Reinvestment Zone Financing and Project Plans to each taxing unit that taxes real property located in the Zone.

**Part 5: Economic Development Program.** The Council hereby establishes an economic development program for the Zone in accordance with Article III, Section 52-a of the Texas Constitution, Section 311.010(h) of the Texas Tax Code and Chapter 380 of the Texas Local Government Code to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone and develop or expand transportation, business and commercial activity in the Zone including a program to make grants and loans of Zone assets or from the tax increment fund of the Zone in accordance with the provisions of Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code as directed and authorized by the Council. The Council hereby further directs and authorizes the Board of Directors of the Zone to utilize tax increment reinvestment zone bond proceeds to acquire the land and pay other real property assembly costs as set forth in the additional amendment attached hereto to help develop and diversify the economy of the Zone and develop or expand business and commercial activity in the Zone in accordance with Article III, Section 52-a, Chapter 311 of the Texas Tax Code and Chapter 380 of the Texas Local Government Code.

**Part 6: Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.

**Part 7: Effective Date.** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 8: Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **6<sup>th</sup>** day of **June**, 2013.

PASSED AND APPROVED on Second Reading on the **20<sup>th</sup>** day of **June**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/20/13  
Item #4(N)  
Consent Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Gary O. Smith, Chief of Police

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a Memorandum of Understanding with the City of Killeen and Bell County to establish the rights, duties, administration and division of funds received under the 2013 Edward Byrne Memorial Justice Assistance Grant program Award.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The Department of Justice has made a grant award of \$79,342. The City of Killeen will administer the grant and will accept an administration fee of 10% of the grant award with the remaining \$71,408 to be allocated to Bell County, Killeen, and Temple as follows: Bell County will receive \$21,422 or 30%, the City of Killeen will receive \$40,068 or 45% and the City of Temple will receive \$17,852 or 25%.

These funds are to be used to fund state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any or more of the following purposes: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs. The Temple Police Department plans to use the funds to purchase an All-inclusive Mobile Forensic Solution and riot helmets.

Pursuant to the terms of the grant, the parties agree to expend the \$79,342 from the 2013 Edward Byrne Memorial Justice Assistance Grant Program by a date not later than forty eight (48) months after the project start date of October 1, 2013.

**FISCAL IMPACT:** The Temple Police Department will receive \$17,852. There are no City matching funds.

### **ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF KILLEEN AND BELL COUNTY TO ESTABLISH THE RIGHTS, DUTIES, ADMINISTRATION AND DIVISION OF FUNDS RECEIVED UNDER THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas,** the Department of Justice has made a grant award of \$79,342 and these funds are to be used to fund state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any or more of the following purposes: law enforcement programs; prosecution and court programs; prevention and education programs; corrections and community corrections programs; drug treatment programs; and/or planning evaluation and technology improvement programs;

**Whereas,** the City of Killeen will administer the grant and will accept an administration fee of 10% of the grant award with the remaining amount to be allocated to Bell County, Killeen and Temple as follows: Bell County - \$21,422 (or 30%), the City of Killeen - \$40,068 (or 45%), and the City of Temple - \$17,852 (or 25%);

**Whereas,** the Temple Police Department plans to use their allocated amount to purchase an all-inclusive Mobile Forensic Solution and riot helmets; and

**Whereas,** the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute a Memorandum of Understanding between the City of Killeen and Bell County, after approval as to form by the City Attorney, to establish the rights, duties, administration and division of funds received under the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 20<sup>th</sup> day of June, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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06/20/13  
Item #4(O)  
Consent Agenda  
Page 1 of 2

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brynn Myers, Director of Administration  
Ashley Williams, Sustainability and Grant Manager

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing submission of an application for funding through the Killeen-Temple Metropolitan Planning Organization, Statewide Transportation Planning Metropolitan Mobility, Category 7 Funding in the amount of \$3,000,000, with \$1,500,000 reimbursed to the City through KTMPO funding, to execute construction of the improvements on SH 317 to a five-lane roadway.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The Killeen-Temple Metropolitan Planning Organization has announced funding availability under the Statewide Transportation Planning Metropolitan Mobility (STPMM), Category 7 Funding. These federal funds were allocated through the Surface Transportation Program under MAP-21 (Moving Ahead for Progress in the 21<sup>st</sup> Century) legislation for transportation needs within the boundaries of designated metropolitan planning areas of metropolitan planning organizations located in a transportation management area.

KTMPO has been allocated \$3,213,210.36 in STPMM funds for 2012 – 2013, due to its designation as a transportation management area. Distribution of funding will be allocated to roadway improvements (90%) and transit (10%). A similar allocation is anticipated for FY 2013-2014. A decision was made by the Policy Board to combine the FY 2012/2013 allocation with the anticipated FY 2013-2014 allocation and to obligate funding in FY 2013-2014.

The final application is due June 28, 2013. Applications will be evaluated by the KTMPO Policy Board in September 2013.

The project scope involves the following elements:

- Expansion of the current two-lane SH 317 to encompass a five-lane roadway. Two-lanes of travel in each direction and one center lane;
- Permanent traffic control signalization at the Tarver Rd. intersection.

Exhibits will be distributed at the meeting, depicting the above project scope.

In the event the grant is not awarded to the City, the City will proceed with TxDOT with the current project that involves only the elements to improve SH 317.



Staff is requesting that TCIP funds in the amount of \$1,500,000 be used as the grant match. This match is fifty percent (50%) of the project total of \$3,000,000, with \$1,500,000 being requested from the KTMPO STPMM, Category 7 funds.

Staff has been and will continue to work in partnership with TxDOT throughout the project.



**FISCAL IMPACT:** City Council adopted a \$60,180,000 multi-year Transportation Capital Improvement Plan (TCIP) on August 30, 2012. The first Series of Bonds (\$9,420,000) to fund projects in the plan were issued in November of 2012. The second series of funding is scheduled for FY 2015. Matching funds for the grant would be a reallocation of TCIP funding and/or savings identified in other transportation projects.

**ATTACHMENTS:**

[Map of project area](#)  
[Resolution](#)



GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

-  = Signal
-  = Highway 317 Improvements



1 inch = 698 feet

STATE HIGHWAY 317

OAK HILLS DR

EDGEHILL

HOGAN RD

SAGEBRUSH DR

TUMBLEWEED TR

LONESOME OAK DR

TARVER DR

VISTA VALLEY DR

CEDAR RD

STONEBROOK DR

REDSTONE DR

CEDAR LN

RIDGEWAY

CASLER CIR

SUNSET TRL

HIGHLAND TRL

SKYVIEW

BENT OAK DR

TWISTED OAK DR

OAK CHASE TRL

WOODHOLLOW DR

WESTEND DR

WESTWOOD BLVD

WESTWAY DR

FALLEN LEAF LN

12 June 2013  
Leah Harvey



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FUNDING THROUGH THE KILLEEN-TEMPLE METROPOLITAN PLANNING ORGANIZATION ('KTMPO'), STATEWIDE TRANSPORTATION PLANNING METROPOLITAN MOBILITY ('STPMM'), CATEGORY 7 FUNDING, IN THE AMOUNT OF \$3,000,000, WITH \$1,500,000 BEING REIMBURSED TO THE CITY THROUGH KTMPO FUNDING, FOR THE EXECUTION OF CONSTRUCTION OF IMPROVEMENTS ON SH317 TO A FIVE-LANE ROADWAY; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Killeen-Temple Metropolitan Planning Organization ('KTMPO') has announced funding availability under the Statewide Transportation Planning Metropolitan Mobility ('STPMM'), Category 7 funding - these federal funds were allocated through the Surface Transportation Program under MAP-21 (Moving Ahead for Progress in the 21<sup>st</sup> Century) legislation for transportation needs within the boundaries of designated metropolitan planning areas of metropolitan planning organizations located in a transportation management area;

**Whereas**, KTMPO has been allocated certain funds due to its designation as a transportation management area – distribution of funding will be allocated to roadway improvements and transit;

**Whereas**, the project scope will involve the expansion of the current two-lane SH317 to encompass a five-lane roadway – two lanes of travel in each direction and one center lane, and permanent traffic control signalization at the Tarver Road intersection;

**Whereas**, final application submission is due June 28, 2013 and applications will be evaluated in September, 2013 – in the event the grant is not awarded to the City, the City will proceed with TxDOT and their current project that involves only the SH317 improvements; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize and support this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council authorizes submission of an application for funding through the Killeen-Temple Metropolitan Planning Organization, Statewide Transportation Planning Metropolitan Mobility, Category 7 Funding, in the amount of \$3,000,000, with a \$1,500,000 reimburse to the City through KTMPO funding, to execute construction of the improvements on SH317 to a five-lane roadway.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **20<sup>th</sup>** day of **June**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Consent Agenda  
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**DEPT./DIVISION SUBMISSION & REVIEW:**

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing the rescheduling of the July 4, 2013, Regular City Council meeting to July 11, 2013.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** The regular City Council Meeting is scheduled for July 4, 2013. Due to this being a holiday, Staff recommends changing the meeting date to Thursday, July 11, 2013 at the regular scheduled meeting time of 5:00 pm with a Work Session proceeding.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**

[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS,  
CHANGING THE DATE OF THE JULY 4, 2013, REGULAR CITY COUNCIL  
MEETING TO JULY 11, 2013; AND PROVIDING AN OPEN MEETINGS  
CLAUSE.

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**Whereas,** the regular City Council meeting in July is scheduled for July 4, 2013;

**Whereas,** since July 4, 2013 is a holiday, staff recommends changing the meeting date to Thursday, July 11, 2013 at the regular scheduled meeting time of 5:00 p.m., with a Council Work Session proceeding; and

**Whereas,** the City Council has considered the matter and deems it in the public interest to authorize this action.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**PART 1:** The City Council authorizes changing the date of the July 4, 2013 regular City Council meeting to July 11, 2013 at 5:00 p.m. in the City Council Chambers on the Second Floor of the Municipal Building located at 2 North Main Street, Temple, Texas.

**PART 2:** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **20<sup>th</sup>** day of **June**, 2013.

THE CITY OF TEMPLE, TEXAS

\_\_\_\_\_  
DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Lacy Borgeson  
City Secretary

\_\_\_\_\_  
Jonathan Graham  
City Attorney



## COUNCIL AGENDA ITEM MEMORANDUM

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Item #4(Q)  
Consent Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Traci L. Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing a contract with Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual City of Temple audit for an amount not to exceed \$68,900.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** This item is to engage the audit firm of Brockway, Gersbach, Franklin and Niemeier, P.C. to perform the annual audit of the City of Temple. This will be the third year of a five year contract for audit services. The contract will be renewed annually. Staff anticipates the audit will be completed and presented to the Council in February 2014.

Listed below are the cost proposals related to audit services:

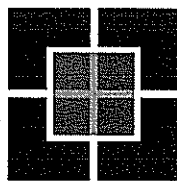
	<b>Fiscal Year Ending</b>	<b>Base Fee</b>
Fourth Year	2013	\$ 68,900
Fifth Year	2014	70,500

Per the Local Government Code Section 252.022, professional services are exempt from the competitive bidding rules.

**FISCAL IMPACT:** \$68,900 is proposed in the FY 2013-2014 preliminary budget to be filed on June 28, 2013. The fee for FY 2013 is impacted by the implementation of new GASB pronouncements and new governmental sampling guidelines which will, by definition, increase the audit risk.



**ATTACHMENTS:**  
[Engagement letter](#)  
[Resolution](#)



BROCKWAY  
GERSBACH  
FRANKLIN &  
NIEMEIER, P.C.

CERTIFIED PUBLIC ACCOUNTANTS

May 21, 2013

Honorable Mayor and  
Members of the City Council  
Temple, Texas

We are pleased to confirm our understanding of the services we are to provide City of Temple, Texas for the year ended September 30, 2013. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of City of Temple, Texas as of and for the year ended September 30, 2013. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement City of Temple, Texas' basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Temple, Texas' RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Budgetary Comparison Schedules
- 3) GASB – Required Supplementary Pension and OPEB Schedules

We have also been engaged to report on supplementary information other than RSI that accompanies City of Temple, Texas' financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

- 1) Combining and Individual Fund Statements and Schedules
- 2) Schedule of expenditures of federal awards

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that other information.

- 1) Introductory Section
- 2) Statistical Data

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a paragraph that states that the purpose of the report is solely to describe (1) the scope of testing of internal control over financial reporting and compliance and the result of that testing and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, (2) the scope of testing internal control over compliance for major programs and major program compliance and the result of that testing and to provide an opinion on compliance but not to provide an opinion on the effectiveness of internal control over compliance, and (3) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control over financial reporting and compliance and OMB Circular A-133 in considering internal control over compliance and major program compliance. The paragraph will also state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements or the Single Audit compliance opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

### **Management Responsibilities**

Management is responsible for the basic financial statements, schedule of expenditures of federal awards, and all accompanying information as well as all representations contained therein. Management is also responsible for identifying government award programs and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal awards, and related notes. You will be required to acknowledge in the written representation letter our assistance with preparation of the financial statements and schedule of expenditures of federal awards and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. You agree to assume all management responsibilities for any nonaudit services we provide; oversee the services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met and that there is reasonable assurance that government programs are administered in compliance with compliance requirements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for ensuring that management is reliable and financial information is reliable and properly recorded. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan.

Honorable Mayor and  
Members of the City Council  
Temple, Texas  
Page four

You are responsible for preparation of the schedule of expenditures of federal awards in conformity with OMB Circular A-133. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with OMB Circular A-133; (2) that you believe the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with OMB Circular A-133; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

#### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

#### **Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

#### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Temple, Texas' compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of City of Temple, Texas' major programs. The purpose of these procedures will be to express an opinion on City of Temple, Texas' compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

#### **Engagement Administration, Fees, and Other**

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Brockway, Gersbach, Franklin & Niemeier, P.C. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a federal agency or its designee, providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Brockway, Gersbach, Franklin & Niemeier, P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the federal agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.



Honorable Mayor and  
Members of the City Council  
Temple, Texas  
Page seven

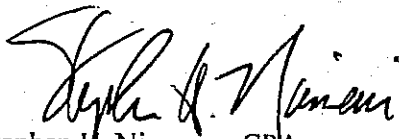
We expect to begin our audit on approximately July 2013 and to issue our reports no later than February 2014. Steve Niemeier is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them.

Our fee for these services will be at our standard rates, except we agree that our gross fee, including expenses, will not exceed \$ 68,900. Our standard hourly rates vary accordingly to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

You have requested that we provide you a copy of our most recent external peer review report and any subsequent reports received during the contract period. Accordingly, our 2012 peer review report accompanies this letter.

We appreciate the opportunity to be of service to City of Temple, Texas and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,  
BROCKWAY, GERSBACH, FRANKLIN & NIEMEIER, P. C.



Stephen H. Niemeier, CPA

Acknowledged by City of Temple, Texas:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

BUMGARDNER, MORRISON & COMPANY, L.L.P.

BMC  
CERTIFIED PUBLIC ACCOUNTANTS

JOSEPH B. BUMGARDNER, CPA  
(1911-2002)  
JACK R. MORRISON, SR., CPA  
(1922-1997)

MEMBERS:  
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS  
TEXAS SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS  
AICPA PRIVATE COMPANIES PRACTICE SECTION  
AICPA TAX DIVISION

September 28, 2012

CHRISTOPHER E. KREJCI, CPA  
JEROME G. KOTZUR, CPA  
G. DENNIS SHAY, CPA, CFP®  
PAULA G. LESKE, CPA  
MICHAEL E. WENSKE, CPA

JACK C. FITZGERALD, CPA  
JACK R. MORRISON, JR., CPA

System Review Report

To the Shareholders of Brockway, Gersbach, Franklin & Niemeier, PC  
and the Peer Review Committee of the Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Brockway, Gersbach, Franklin & Niemeier, PC (the firm) in effect for the year ended April 30, 2012. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Brockway, Gersbach, Franklin & Niemeier, PC in effect for the year ended April 30, 2012, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Brockway, Gersbach, Franklin & Niemeier, PC has received a peer review rating of *pass*.

*Bumgardner, Morrison & Company, LLP*

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A CONTRACT WITH BROCKWAY, GERSBACH, FRANKLIN AND NIEMEIER, P.C., TO PERFORM THE ANNUAL CITY OF TEMPLE AUDIT, FOR AN AMOUNT NOT TO EXCEED \$68,900; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, the Staff recommends engaging the audit firm of Brockway, Gersbach, Franklin and Niemeier, P.C., to perform the annual audit for the City of Temple;

**Whereas**, this will be the fourth year of a 5-year contract for audit services – staff anticipates the audit will be completed and presented to Council in February, 2014;

**Whereas**, funds will be available for this service in the FY2013-14 proposed budget filed on June 28, 2013; and

**Whereas**, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

**Part 1:** The City Council authorizes the City Manager, or his designee, to execute an agreement, not to exceed \$68,900, between the City of Temple and Brockway, Gersbach, Franklin and Niemeier, P.C., after approval as to form by the City Attorney, to perform the fourth year of a 5-year annual City of Temple audit.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 20<sup>th</sup> day of **June**, 2013.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

ATTEST:

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Lacy Borgeson  
City Secretary

---

Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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06/20/13  
Item #4(R)  
Consent Agenda  
Page 1 of 1

**DEPT./DIVISION SUBMISSION & REVIEW:**

Traci Barnard, Director of Finance

**ITEM DESCRIPTION:** Consider adopting a resolution authorizing budget amendments for fiscal year 2012-2013.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** This item is to recommend various budget amendments, based on the adopted FY 2012-2013 budget. The amendments will involve transfers of funds between contingency accounts, department and fund levels.

**FISCAL IMPACT:** The total amount of budget amendments is \$640,000.

**ATTACHMENTS:**

[Budget Amendments](#)  
[Resolution](#)

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2013 BUDGET**  
**June 20, 2013**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
361-2400-519-6807	100999	Facility Improvements	\$ 640,000	
361-3400-531-2588	100681	NW Loop 363 Improvements		\$ 640,000

This budget adjustment appropriates funds for improvements to the Fleet Services Facility. Improvements include retrofitting the facility for CNG vehicles, tire shop expansion, and flooring improvements. These improvements are being funded from remaining funds from the 2008 CO bond issue.

<b>TOTAL AMENDMENTS</b>	<b>\$ 640,000</b>	<b>\$ 640,000</b>
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**GENERAL FUND**

Beginning <b>Contingency</b> Balance	\$ -
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ -
Net Balance of Contingency Account	\$ -

Beginning <b>Judgments &amp; Damages</b> Contingency	\$ 80,000
Added to Contingency Judgments & Damages from Council Contingency	\$ -
Taken From Judgments & Damages	\$ (39,859)
Net Balance of Judgments & Damages Contingency Account	\$ 40,141

Beginning <b>Compensation</b> Contingency	\$ 403,000
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (403,000)
Net Balance of Compensation Contingency Account	\$ -

<b>Net Balance Council Contingency</b>	<b>\$ 40,141</b>
--	------------------

Beginning Balance <b>Budget Sweep</b> Contingency	\$ -
Added to Budget Sweep Contingency	\$ -
Taken From Budget Sweep	\$ -
Net Balance of Budget Sweep Contingency Account	\$ -

**WATER & SEWER FUND**

Beginning <b>Contingency</b> Balance	\$ 50,000
Added to Contingency Sweep Account	\$ -
Taken From Contingency	\$ (11,882)
Net Balance of Contingency Account	\$ 38,118

Beginning <b>Compensation</b> Contingency	\$ 142,000
Added to Compensation Contingency	\$ -
Taken From Compensation Contingency	\$ (97,509)
Net Balance of Compensation Contingency Account	\$ 44,491

<b>Net Balance Water &amp; Sewer Fund Contingency</b>	<b>\$ 82,609</b>
---	------------------

**HOTEL/MOTEL TAX FUND**

Beginning <b>Contingency</b> Balance	\$ 147,759
Added to Contingency Sweep Account	\$ -
Carry forward from Prior Year	\$ -
Taken From Contingency	\$ (61,804)
Net Balance of Contingency Account	\$ 85,955

**CITY OF TEMPLE**  
**BUDGET AMENDMENTS FOR FY 2013 BUDGET**  
**June 20, 2013**

ACCOUNT #	PROJECT #	DESCRIPTION	APPROPRIATIONS	
			Debit	Credit
		Beginning <b>Compensation</b> Contingency	\$	10,100
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(10,100)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	<b>85,955</b>
		<b>DRAINAGE FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	69,100
		Added to Contingency Sweep Account	\$	-
		Carry forward from Prior Year	\$	-
		Taken From Contingency	\$	-
		Net Balance of Contingency Account	\$	69,100
		Beginning <b>Compensation</b> Contingency	\$	25,100
		Added to Compensation Contingency	\$	-
		Taken From Compensation Contingency	\$	(25,100)
		Net Balance of Compensation Contingency Account	\$	-
		<b>Net Balance Hotel/Motel Tax Fund Contingency</b>	\$	<b>69,100</b>
		<b>FED/STATE GRANT FUND</b>		
		Beginning <b>Contingency</b> Balance	\$	-
		Carry forward from Prior Year	\$	39,839
		Added to Contingency Sweep Account	\$	114,528
		Taken From Contingency	\$	(11,413)
		Net Balance of Contingency Account	\$	142,954

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, APPROVING BUDGET AMENDMENTS TO THE 2012-2013 CITY BUDGET; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, on the 30<sup>th</sup> day of August, 2012, the City Council approved a budget for the 2012-2013 fiscal year; and

**Whereas**, the City Council deems it in the public interest to make certain amendments to the 2012-2013 City Budget.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council approves amending the 2012-2013 City Budget by adopting the budget amendments which are more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 20<sup>th</sup> day of **June**, 2013.

THE CITY OF TEMPLE, TEXAS

---

DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

---

Jonathan Graham  
City Attorney





## CITY COUNCIL ITEM MEMORANDUM

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06/20/13  
Item #5  
Regular Agenda  
Page 1 of 5

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Beverly Zendt, Interim Director of Planning

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-13-20: Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to General Retail District (GR) on 1.00 ± acres, being a portion of the Daniel Meador Survey, Abstract No. 577, situated in the City of Temple, Bell County, Texas, located at 8744 Airport Road.

**P&Z COMMISSION RECOMMENDATION** At its meeting on May 20, 2013, the Planning and Zoning Commission voted 7/0 in accordance with Staff recommendation to recommend approval of a zone change from Agricultural District (AG) to General Retail District (GR). Commissioners Magaña and Martin were absent.

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for July 11, 2013.

Staff recommends approval of the requested zone change to GR District for the following reasons:

1. The request does not comply with the Future Land Use and Character Map, but is consistent with the adjacent General Retail Districts to the east and west;
2. The request complies with the Thoroughfare Plan; and
3. Public and private facilities are available to the subject property.

**ITEM SUMMARY:** Please refer to the draft minutes of case Z-FY-13-20 from the Planning and Zoning Commission meeting on May 20, 2013. The applicant requests a zone change from Agricultural District (AG) to General Retail District (GR) to allow a future meat market that is being relocated due to the IH-35 expansion. The subject property has an existing vacant building. The applicant plans to remodel the building's interior and resurface the parking area. The applicant's requested zone change would allow development of retail uses on the property and expand the General Retail District already existing on the adjacent properties to the east and west.

According to the City of Temple Comprehensive Plan, the property's current Agricultural Rural land use classification is characterized by areas within the city limits that do not yet have adequate public facilities and services, and therefore may not have any on-site utilities. It is meant to protect areas in active farm and/or ranch use. Since the requested GR District does not comply with the property's

Agricultural Rural land use classification, a zone change would require an amendment to the Future Land Use and Character Plan.

The requested GR zoning district is the standard retail district and allows most retail uses including retail sales, restaurants, grocery stores, department stores, or offices and residential uses except apartments.

The GR zoning district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Although the applicant has indicated his intention for utilize the site for a future meat market, a rezoning from the AG to the GR zoning district would allow many uses by right that would not have been allowed before. Those uses include, but are not limited to, the following:

Residential uses


Single Family Detached  
Duplex  
Home for the Aged  
Townhouse




Nonresidential uses

Office  
Restaurant  
Hotel or Motel  
Food or Beverage sales store without fuel sales

**Prohibited uses** include most industrial uses except recycling collection locations, HUD-Code manufactured homes and land lease communities, boat sales or storage, welding or machine shop, storage warehouse, and building material sales, among others.

**SURROUNDING PROPERTY AND USES:** The following table shows the subject property, existing zoning and current land uses:

Direction	Zoning	Current Land Use	Photo
Subject Property	AG	Vacant Building and Property	

Direction	Zoning	Current Land Use	Photo
			
East	AG	Undeveloped Property	
West	AG	Undeveloped Land and Nonresidential Uses	

Direction	Zoning	Current Land Use	Photo
South	GR	Bar and Dance Hall	
North	GR	Package Store	

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance
CP	Map 3.1 - Future Land Use and Character (FLUP)	The applicant's property is identified as Agricultural Rural. <b>The applicant's requested GR District does not comply with this recommendation, but is consistent with adjacent nonresidential development (zoned GR) to the east and west.</b> A zone change to the GR District would require an amendment to the Future Land Use and Character Plan.	N
CP	Map 5.2 - Thoroughfare Plan	The property fronts Airport Road, which is identified as a major arterial. The requested GR district is appropriate along major arterials.	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	A 6-inch water line along the north right-of-way of Airport Road services the property. The property appears to be serviced by a septic system. There's an 8-inch sewer line east of the subject property near the Airport in the north right-of-way line of Airport Road.	Y
STP	Temple Trails Master Plan Map & sidewalks	There are no trails shown on the Temple Trails Master Plan Map for this area.	Y

CP = Comprehensive Plan

STP = Sidewalk and Trails Plan

**DEVELOPMENT REGULATIONS:** Dimensional standards for **nonresidential** development in the GR District are as follows:

- Minimum lot size – N/A
- Minimum Lot Width – N/A
- Minimum Lot Depth – N/A
- Front Yard Setback – 15 feet
- Side Yard Setback – 10 feet
- Rear Yard Setback – 0 feet (10 feet adjacent to residential zoning)

Although development regulations require a 6-foot wide sidewalk along Major Arterials, such as Airport Road, the subject property was developed without a sidewalk. The 6-foot sidewalk will be required with the property's redevelopment, per the UDC Section 7.3-Sidewalks:

**Applicability**

Sidewalks built in accordance with the standards in Sec. 8.2.3 are required adjacent to a collector street, minor arterial or major arterial if:

**A new building or structure is built requiring a Building Permit as set forth in Sec.3.13; or the cost to remodel an existing structure is by 50 percent or more of the assessed value of the property per the current tax rolls.**

**PUBLIC NOTICE:** Four notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200-feet of the subject property as required by State law and City Ordinance. As of May 15, 2013, three notices were returned in favor of the request and no notices were returned in opposition.

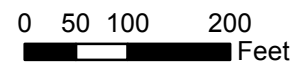
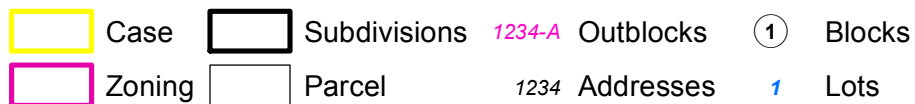
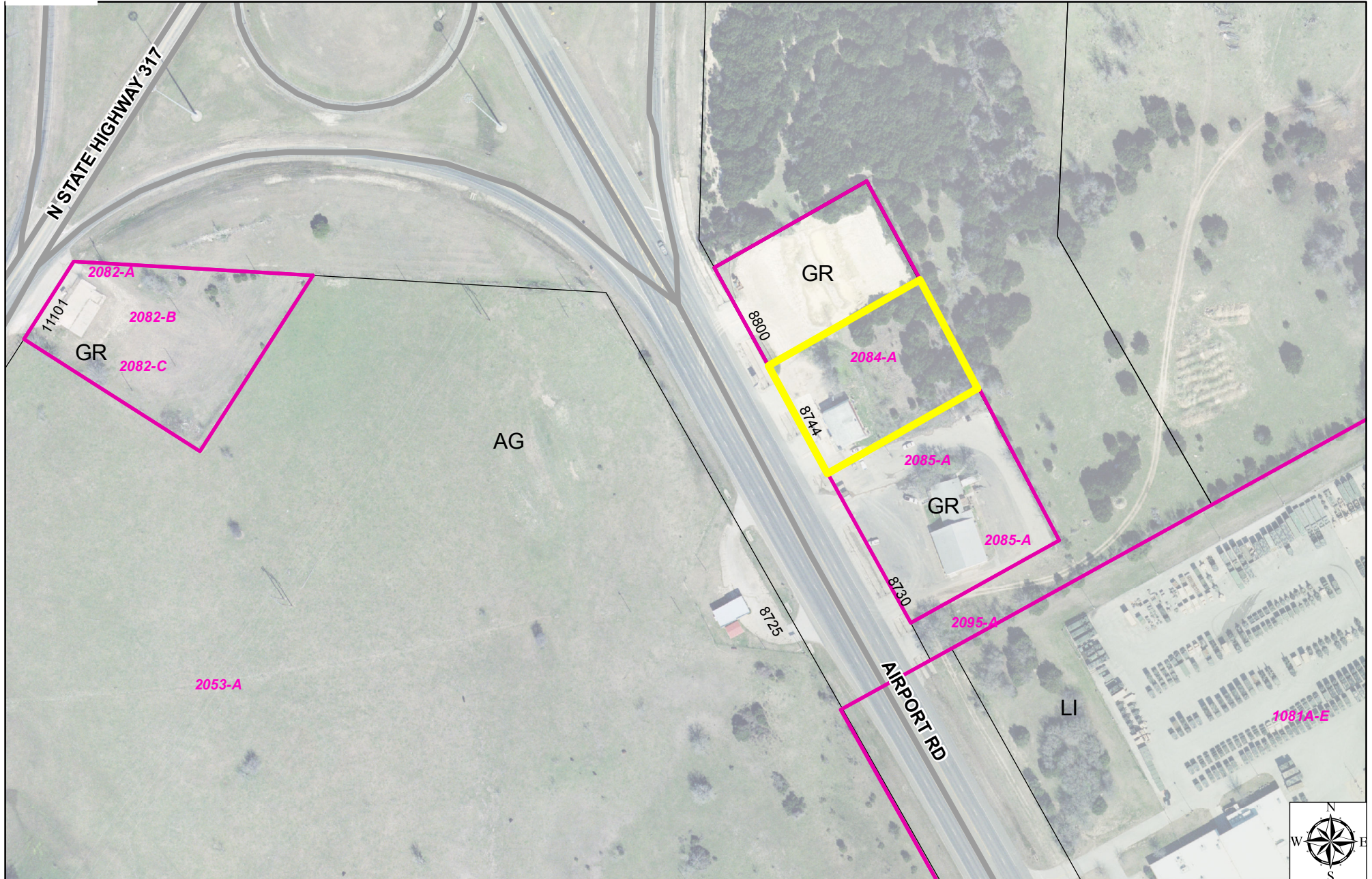
The newspaper printed notice of the Planning and Zoning Commission public hearing on May 9, 2013, in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Zoning and Location Map](#)  
[Future Land Use and Character Map](#)  
[Notification Map](#)  
[Response letters](#)  
[PZ Excerpts](#)  
[Ordinance](#)





5/15/2013  
City of Temple GIS

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



### Future Land Use

Neighborhood Conservation	Auto-Urban Residential	Auto-Urban Commercial	Temple Medical Education District	Public Institutional
Estate Residential	Auto-Urban Multi-Family	Suburban Commercial	Industrial	Parks & Open Space
Suburban Residential	Auto-Urban Mixed Use	Urban Center	Business Park	Agricultural/Rural

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.

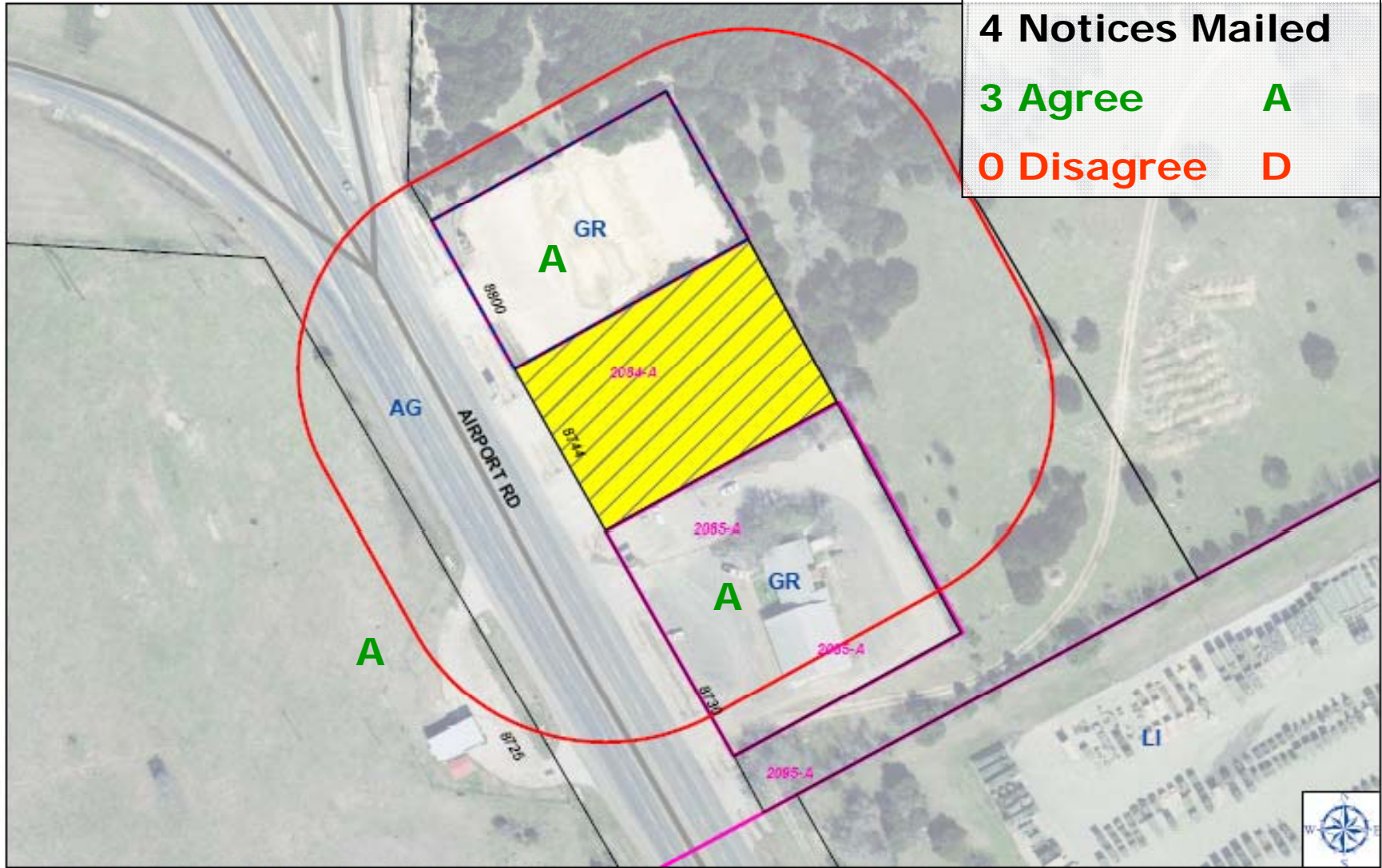












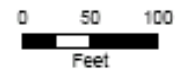
4 Notices Mailed

3 Agree A

0 Disagree D



-  Case  Zoning  1234-A Outblock Number  Block Number
-  200' Buffer  Subdivision  1234 Address  Lot Number



5/3/2013  
City of Temple GIS  
Tyerly

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



**RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE**

Richard Lewis Heating & AC  
1218 South 27<sup>th</sup> Street  
Temple, Texas 76504

**Zoning Application Number: Z-FY-13-20**

**Project Manager: Tammy Lyerly**

**Location: 8744 Airport Road**

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend (✓) approval ( ) denial of this request.

**Comments:**

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Richard Lewis  
**Signature**

RICHARD LEWIS  
**Print Name**

**Please mail or hand-deliver this comment form to the address shown below, no later than May 20, 2013**

**City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501**

**RECEIVED**  
**MAY 15 2013**  
City of Temple  
Planning & Development

**Number of Notices Mailed: 4**

**Date Mailed: May 9, 2013**





RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE

Peggy J. Chatham  
10820 State Highway 317  
Belton, Texas 76513

Zoning Application Number: Z-FY-13-20

Project Manager: Tammy Lyerly

Location: 8744 Airport Road

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval ( ) denial of this request.

Comments:

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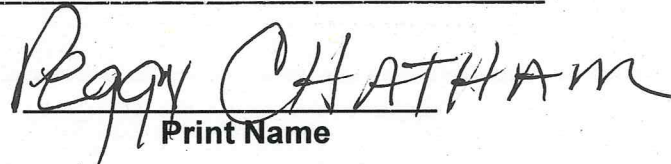
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Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 20, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**

MAY 16 2013

City of Temple  
Planning & Development

Number of Notices Mailed: 4

Date Mailed: May 9, 2013



**RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE**

Sam Sancetta  
213 Bluebonnett Drive  
Marlin, Texas 76661

**Zoning Application Number:** Z-FY-13-20

**Project Manager:** Tammy Lyerly

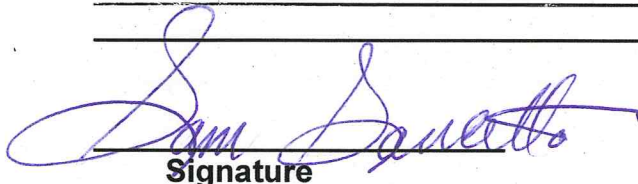
**Location:** 8744 Airport Road

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ☒ ) approval ( ☐ ) denial of this request.

**Comments:**

NONE

  
Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 20, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**  
MAY 20 2013  
City of Temple  
Planning & Development

Number of Notices Mailed: 4

Date Mailed: May 9, 2013

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MAY 20, 2013**

**ACTION ITEMS**

**Item 5: Z-FY-13-20:** - Hold a public hearing to discuss and recommend action on a zone change from Agricultural District (AG) to General Retail District (GR) on 1.00 ± acres, being a portion of the Daniel Meador Survey, Abstract Number 577, situated in the City of Temple, Bell County, Texas located at 8744 Airport Road. (Applicant: Lina Chtay for Mary Conlon)

Ms. Zendt stated this item would go forward to City Council for first reading on June 20 and second reading on July 11, 2013.

This is a request for a future meat market that is being relocated due to the I-35 expansion. The subject property has an existing vacant building and the applicant proposes to resurface the area and remodel the building's interior. Once the property is rezoned, it is open to the full range of uses allowed under General Retail (GR).

Adjacent to the subject property is GR to the north and side and Agricultural (AG) to the east and west.

Surrounding land uses include undeveloped land and nonresidential uses (AG) to the west, bar and dance hall (GR) to the south, undeveloped land to the east (AG), and a package store (GR) to the north.

Allowed and prohibited uses are given.

A GR district should be located at the intersection of major arterials and to provide total on-site traffic maneuvering within the confines of the property.

A six-foot wide sidewalk will be required due to the property's redevelopment per UDC Section 7.3. For existing development in areas identified for sidewalks, it is required when the improvements to the area are greater than 50 percent of the assessed value of the property. There is an existing sidewalk located in the general area.

The Future Land Use and Character Map designate the area as Agricultural which is not consistent with the request from the applicant.

The Thoroughfare Plan designates Airport Road as a major arterial which support most commercial and retail developments.

There is an existing six-inch water line available to serve the site. An eight-inch sewer line lies east of the property along Airport Road which would be extended to the site.

Four notices were mailed out: two were received in favor and zero in opposition.

Staff recommends approval of the zone change request for the following reasons:

The request does not comply with the Future Land Use and Character Map, but it is consistent with the adjacent General Retail Districts to the east and west;

The request complies with the Thoroughfare Plan; and

Public and private facilities are available to the subject property.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Sears made a motion to approve Item 5, Z-FY-13-20, as presented, and Commissioner Talley made a second.

*Motion passed: (7:0)*

Commissioners Magaña and Martin absent

ORDINANCE NO. \_\_\_\_\_

(PLANNING NO. Z-FY-13-20)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR), ON APPROXIMATELY 1.00 ACRE, BEING A PORTION OF THE DANIEL MEADOR SURVEY, ABSTRACT NO. 577, AND LOCATED AT 8744 AIRPORT ROAD; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council approves a rezoning from Agricultural District (AG) to General Retail District (GR), on approximately 1.00 acre, being a portion of the Daniel Meador Survey, Abstract No. 577, situated in the City of Temple, Bell County, Texas and located at 8744 Airport Road, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **20<sup>th</sup>** day of **June**, 2013.



PASSED AND APPROVED on Second Reading on the **11<sup>th</sup>** day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## CITY COUNCIL AGENDA ITEM MEMORANDUM

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06/20/13  
Item #6  
Regular Agenda  
Page 1 of 6

### **DEPT. / DIVISION SUBMISSION & REVIEW:**

Beverly Zendt, Interim Director of Planning

**ITEM DESCRIPTION:** FIRST READING – PUBLIC HEARING - Z-FY-13-21: Consider adopting an ordinance authorizing a zone change from Agricultural District (AG) to General Retail District (GR) on 1.296 ± acres, being a portion of the Nancy Chance Survey, Abstract 5, Bell County, Texas, located on the west side of Old Waco Road, south of West Adams Avenue.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** At its May 20, 2013 meeting, the Planning and Zoning Commission voted 7/0 to recommend approval of the proposed rezoning (Commissioners Magaña and Martin were absent).

**STAFF RECOMMENDATION:** Conduct public hearing and adopt ordinance as presented in item description on first reading, and schedule a second reading and final adoption for July 11, 2013.

Staff recommends approval of the requested zone change to General Retail District for the following reasons:

1. Although the proposed request does not fully comply with the Future Land Use and Character Map, the proximity to West Adams Ave (Major Arterial) and the scale of the rezoning would permit only smaller General Retail uses;
2. The proposed use is consistent with adjacent uses east and north of the subject tract;
3. The request complies with the Thoroughfare Plan; and
4. Public facilities will be available to subject property.

**ITEM SUMMARY:** The applicant requests a change of zone from Agricultural District (AG) to General Retail District (GR). The General Retail zoning district is the standard retail district and allows most retail uses including retail sales, restaurants, grocery store, department store or offices and residential uses except apartments. The General Retail zoning district is intended to serve larger service areas than neighborhoods. This district should be located at the intersection of major arterials

and should provide total on-site traffic maneuvering such that traffic entering and exiting the facility should have room to turn, stack and park within the confines of the retail facility. Adjoining zoning districts should be carefully selected to reduce environmental conflicts.

Although the applicant has indicated that they intend to use the site for the purpose of constructing a gymnastics studio, a General Retail zoning designation will permit a range of uses including but not limited to:

- Most retail and service uses: off-premise alcohol and beverage sale; beauty shop; drugstore and pharmacy;
- Two industrial uses: asphalt batching plant (Conditional Use Permit);
- Indoor recycling operation (subject to limitations); and
- Some recreational/entertainment uses: Dance Hall (CUP); Day camp for children (CUP); some on premise consumption of alcohol (>75% with a CUP only).

**SURROUNDING PROPERTY AND USES:** The following table shows the subject property, existing zoning, and current land uses:

Direction	Zoning	Current Use	Land Photo
Subject Property	AG	Undeveloped	

<b>West</b>	<b>SF3</b>	<b>Residential</b>	
<b>South</b>	<b>AG</b>	<b>Residential</b>	

East	GR SF2	& Bank/ Professional Office (GR) Undeveloped (SF2)	 
North	AG	Trinity Church of Temple	

**COMPREHENSIVE PLAN COMPLIANCE:** The proposed rezoning relates to the following goals, objectives or maps of the Comprehensive Plan and Sidewalk and Trails Plan:

Document	Policy, Goal, Objective or Map	Site Conditions	Compliance?
CP	Map 3.1 - Future Land Use and Character (FLUP)	Suburban Commercial**	N
CP	Map 5.2 - Thoroughfare Plan	The property fronts Old Waco Road which has been identified as a proposed major arterial in the city's adopted Thoroughfare Plan (currently is built as a rural road).	Y
CP	Goal 4.1 - Growth and development patterns should be consistent with the City's infrastructure and public service capacities	Subject area is served by City of Temple water by means of a 4" water line. A 10" wastewater line is available across on the east side of	Y

		Old Waco Road.	
STP	Temple Trails Master Plan Map and Sidewalks Ordinance	Old Waco Road has been identified as a Proposed City Wide Spine Trail – a 10' wide trail is required for this site (6' per UDC Sec. 8.2.3 and 10' as Old Waco Road is identified as a proposed city-wide spine trail).	Y

CP = Comprehensive Plan STP = Sidewalk and Trails Plan\*\* See explanation below

#### Future Land Use and Character Plan (FLUP) (CP Map 3.1)

The Land Use and Character Map identify this area as Suburban Commercial. According to the Comprehensive Plan, this area is appropriate for office, retail, and other service uses adjacent to and abutting residential neighborhoods. The Comprehensive Plan calls development that maintains the suburban character and is compatible in scale and landscaping with the surrounding residential area. Although the proposed zoning is not consistent with this land use designation, the proximity to a Major Arterial (West Adams Ave) and the anticipated widening of Old Waco Road to a Major Arterial, make this site appropriate for smaller General Retail projects similar to the identified use. Additionally, the proposed use is compatible with existing uses to north and east of the subject tract. If approved, the future Land Use Map will be updated to reflect the change.

#### Thoroughfare Plan (CP Map 5.2)

The Thoroughfare Plan identifies Old Waco Road as a proposed Major Arterial which supports adjacent residential and commercial development. Major arterials can intersect with both collectors and local streets although driveway access is restricted. Old Waco Road has been identified on the City's Transportation Capital Improvement Plan and will be constructed when right-of-way acquisition is complete and funding is available. Although the current rural width of Old Waco Road would not be sufficient for all General Retail projects, the scale of the rezoning will not adversely impact road capacity.

#### Temple Trails Master Plan Map and Sidewalks Ordinance

The City of Temple Master Trails plan calls for a 10' sidewalk along the subject site. Preliminary design of this section of Old Waco Road is ongoing. Staff has advised the applicant that staff will evaluate the practicality and usefulness of a sidewalk at this location at the time of permitting.

**DEVELOPMENT REGULATIONS:** Dimensional standards for both zoning districts are depicted below:

## 4.5.1 Single-Family Detached Dwelling

Type of Use	AG	UE	SE	SF-2	SF-3	SFA-1	SFA-2	SFA-3	TH	2F	MF-1	MF-2	MF-3	O-1	O-2	NS	GR	CA	CL	LI	HI
Min. Lot Area (sq. ft.)	1 ac.	22,000	7,000	5,000	4,000	5,000	3,000	2,300	4,000	6,000	6,000	5,000	-	6,000	6,000	6,000	5,000	6,000	5,000	-	-
Min. Lot Width (ft.)	100	80	50	50	40	50	30	20	40	50	50	50	-	50	50	50	50	50	50	-	-
Min. Lot Depth (ft.)	150	120	100	100	100	100	100	100	100	100	100	100	-	100	100	100	100	100	100	-	-
Min. Front Yard Setback (ft.)	50	30	15	25	15	25	15	15	15	25	25	25	-	25	25*	15	15	See 4.4.4F, 4.4.4G*		-	-
Min. Side Yard Setback (ft.)	15	10	5% of lot width 6 min 5 max	5	5	5	5	5	10% width of lot 5 min	5	10% of lot width 5 min		-	10% of lot width 5 min	10% of lot width 5 min*	10% of lot width 5 min			-	-	
Min. Side (Corner) Yard Setback (ft.)	15	10	5	15	15	15	15	15	15	15	15	15	-	15	15*	15	15	15	15	-	-
Min. Rear Yard Setback (ft.)	10	10	10	10	10	10	10	10	10	10	10	10	-	10	10	10	10	10	10	-	-
Max. Building Coverage (%) for Rear Half of Lot	50	50	50	50	50	50	50	50	50	50	50	50	-	50	50	50	50	50	50	-	-
Max. Height (stories)	3	3	3	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	2 ½	3	4	-	3	ALH	2 ½	3	ALH	ALH	-	-

ALH = Any Legal Height not prohibited by other laws -- = Use not permitted NA = Use permitted but standard does not apply \* = See Sec. 4.4, Measurements and Special Cases

**PUBLIC NOTICE:** On May 9, 2013 three notices of the Planning and Zoning Commission public hearing were sent out to property owners within 200' of case Z-FY-13-13 as required by State law and City Ordinance. As of Wednesday June 10, 2013, two notices were returned in support of the proposed zone change.

The newspaper printed notice of the Planning and Zoning Commission public hearing on May 9, 2013 in accordance with state law and local ordinance.

**FISCAL IMPACT:** Not Applicable

**ATTACHMENTS:**

[Zoning and Location Map](#)

[Notice Map](#)

[Response Letters](#)

[PZ Excerpts](#)

[Ordinance](#)








**Z-FY-13-21**

# Zone Change Request from Agricultural (AG) to General Retail (GR)

West side of Old waco Road  
Approx. 430' south of W. Adams Ave.



 Case Z-FY-13-21     Parcel     Zoning

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.  
City of Temple Planning Dept.  
4/30/2013

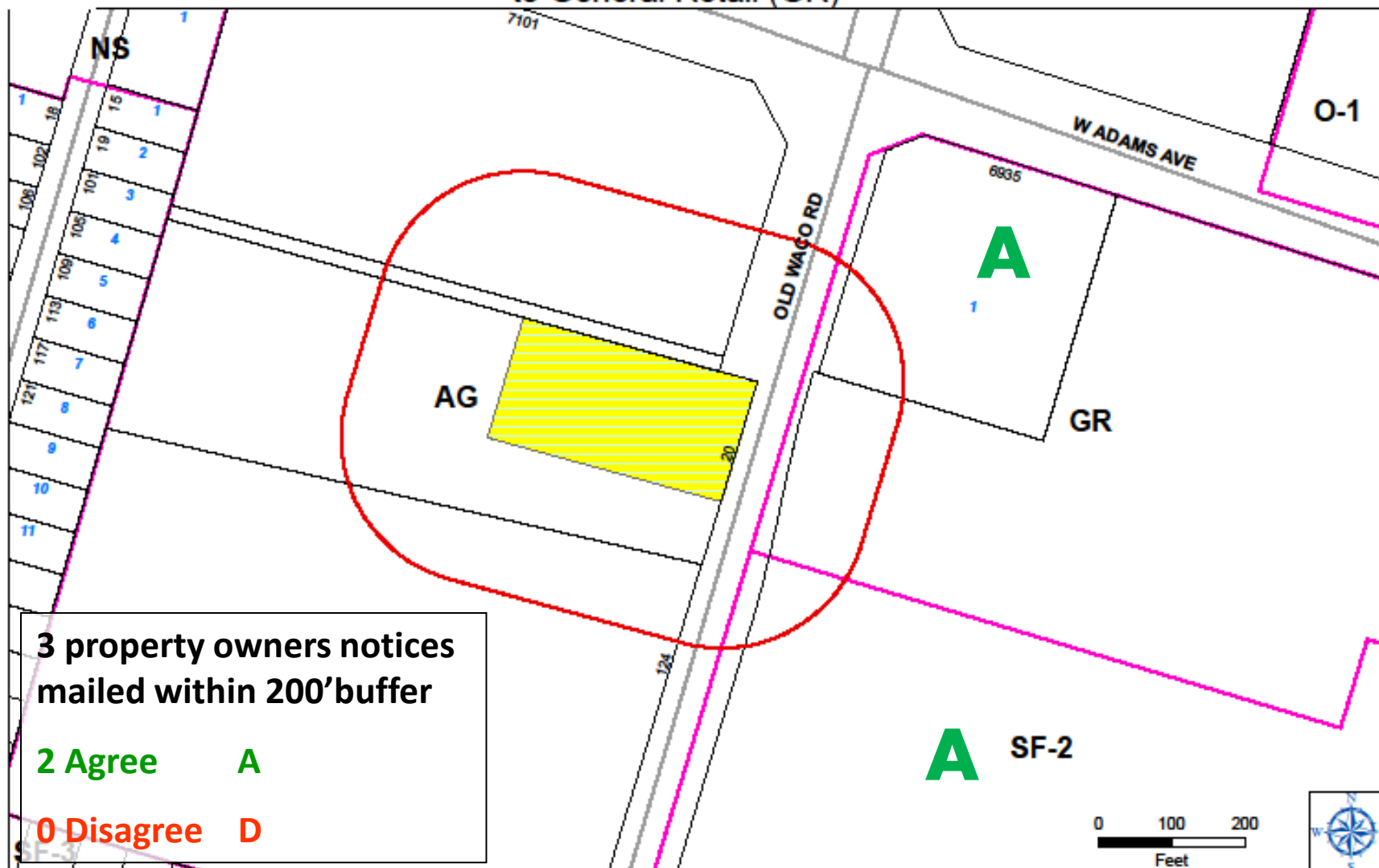




**Z-FY-13-21**

# Zone Change Request from Agricultural (AG) to General Retail (GR)

West side of Old waco Road  
Approx. 430' south of W. Adams Ave.



  200' Property Owner Buffer      Parcel      Zoning      Case Z-FY-13-21

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.  
City of Temple Planning Dept.  
4/30/2013



**RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE**

Texas Partners Federal Credit  
1011 Wales Drive  
Temple, Texas 76549

**Zoning Application Number:** Z-FY-13-21

**Project Manager:** Beverly Zendt

**Location:** On the west side of Old Waco Road, south of West Adams Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ( ☒ ) approval ( ☐ ) denial of this request.

**Comments:**

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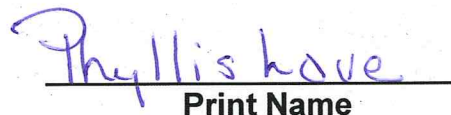
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Signature

  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 20, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**  
MAY 13 2013  
City of Temple  
Planning & Development

Number of Notices Mailed: 3

Date Mailed: May 9, 2013



**RESPONSE TO PROPOSED  
ZONE CHANGE REQUEST  
CITY OF TEMPLE**

Crescent View-Temple Ltd  
3602 SW H K Dodgen Loop  
Temple, Texas 76504

**Zoning Application Number:** Z-FY-13-21

**Project Manager:** Beverly Zendt

**Location:** On the west side of Old Waco Road, south of West Adams Avenue

The proposed rezoning is the area shown in hatched marking on the attached map. Because you own property within 200 feet of the requested change, your opinions are welcomed. Please use this form to indicate whether you are in favor of the possible rezoning of the property described on the attached notice, and provide any additional comments you may have.

I recommend ☒ approval      ( ) denial of this request.

**Comments:**

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Bill Barge  
Signature

Bill BARGE  
Print Name

Please mail or hand-deliver this comment form to the address shown below, no later than May 20, 2013

City of Temple  
Planning Department  
Room 201  
Municipal Building  
Temple, Texas 76501

**RECEIVED**  
MAY 23 2013  
City of Temple  
Planning & Development

Number of Notices Mailed: 3

Date Mailed: May 9, 2013

**EXCERPTS FROM THE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, MAY 20, 2013**

**ACTION ITEMS**

**Item 6: Z-FY-13-21:** - Hold a public hearing to consider and recommend action on a zone change from Agricultural District (AG) to General Retail District (GR) on ± 1.296 acres of land situated in the Nancy Chance Survey, Abstract 5, Bell County, Texas, located on the west side of Old Waco Road, south of West Adams Avenue. (Applicant: Shane Wood for H.A. Procter)

Ms. Zendt stated this item would go to City Council for first reading on June 20 and second reading on July 11, 2013. The property is currently zoned AG and surrounding properties include AG, GR and SF-3.

The Future Land Use and Character Map designate the area as Suburban-Commercial which is appropriate for office, retail and other service uses near residential neighborhoods.

Allowed and prohibited uses are given.

Dimensional requirements are given.

The Thoroughfare Plan designates Old Waco Road as a future major arterial but is currently built to rural width. West Adams is a current major arterial.

A four-inch water line is available and a ten inch sewer line is available to serve the site.

A ten foot wide sidewalk will be required. This will be reviewed at a later time.

Three notices were mailed out. One notice was received in favor.

Staff recommends approval of the request for the following reasons:

Although the proposed request does not fully comply with the Future Land Use and Character Map, the proximity to West Adams Avenue and the scale of the rezoning would permit only smaller General Retail uses compatible with the area;

The request complies with the Thoroughfare Plan; and

Public facilities are available to serve the subject property.

Commissioner Rhoads asked what the business would be and Ms. Zendt stated it would be an exercise gym.

Chair Staats opened the public hearing.

There being no speakers, the public hearing was closed.

Vice-Chair Sears made a motion to approve Item 6, **Z-FY-13-21**, as presented, Commissioner Talley made a second.

*Motion passed: (7:0)*

Commissioners Magaña and Martin absent

ORDINANCE NO. \_\_\_\_\_

(PLANNING NO. Z-FY-13-21)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A ZONING CHANGE FROM AGRICULTURAL DISTRICT (AG) TO GENERAL RETAIL DISTRICT (GR), ON APPROXIMATELY 1.296 ACRES, BEING A PORTION OF THE NANCY CHANCE SURVEY, ABSTRACT NO. 5, AND LOCATED ON THE WEST SIDE OF OLD WACO ROAD, SOUTH OF WEST ADAMS AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:**

**Part 1:** The City Council approves a rezoning from Agricultural District (AG) to General Retail District (GR), on approximately 1.296 acres, being a portion of the Nancy Chance Survey, Abstract 5, situated in the City of Temple, Bell County, Texas and located on the west side of Old Waco Road, south of West Adams Avenue, and more fully described in Exhibit A, attached hereto and made a part hereof for all purposes.

**Part 2:** The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map accordingly.

**Part 3:** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

**Part 4:** This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

**Part 5:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **20<sup>th</sup>** day of **June**, 2013.



PASSED AND APPROVED on Second Reading on the **11<sup>th</sup>** day of **July**, 2013.

THE CITY OF TEMPLE, TEXAS

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney



## **COUNCIL AGENDA ITEM MEMORANDUM**

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06/20/13  
Item #7  
Regular Agenda  
Page 1 of 1

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Lacy Borgeson, City Secretary

**ITEM DESCRIPTION:** Consider adopting a resolution appointing members to the following City boards and commissions:

- (A) Animal Services Advisory Board – one member to fill an unexpired term through September 1, 2015; and
- (B) Temple Economic Development Corporation – one member to fill a standing Councilmember position.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

**ITEM SUMMARY:** Animal Services Advisory Board – The City Council adopted a resolution in June, 2003, establishing policies governing the appointment and training of citizens to City boards.

Temple Economic Development Corporation – Former Mayor William A. Jones, III was serving in the City Councilmember standing position on that board. It is requested that another Councilmember be appointed to fill that vacated position.

**FISCAL IMPACT:** N/A

**ATTACHMENTS:**  
Resolution



## EMPLOYEE BENEFITS TRUST AGENDA ITEM MEMORANDUM

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06/20/13  
Item #8  
Regular Agenda  
Page 1 of 3

### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brynn Myers, Director of Administrative Services

**ITEM DESCRIPTION:** Conduct a meeting of the City of Temple Employee Benefits Trust to purchase insurance policies from:

- (A) MetLife for Dental Insurance for FY2013-2014;
- (B) MetLife for Basic Life, AD&D and Voluntary Life for FY2013-2014;
- (C) Avesis for Voluntary Vision Insurance for FY2013-2015;
- (D) Scott & White Health Plan for Medical and Prescription Insurance for FY2013-2015; and
- (E) FBS/NBS for Voluntary Supplemental Insurance for FY2013-2014.

**STAFF RECOMMENDATION:** Adopt resolution as presented in item description.

### **ITEM SUMMARY:**

#### Dental

In the summer of 2011, the trustees of the Employee Benefits Trust awarded a contract to MetLife for dental insurance for FY2011-2012..In the summer of 2012, the trustees authorized a renewal to this contract for FY2012-2013.. MetLife has performed well, and Staff recommends a renewal to the contract for FY2013-2014, with increases not exceeding 7%. Staff is recommending that the City continue to contribute at the same level as FY2012-2013 whereby the employee will absorb any premium increase. The current benefits will remain the same. In addition, as in years past, if employees do not wish to participate in the cost of their dental insurance, they will not be required to purchase the benefit, and the City's contribution will be contributed to their Flexible Spending Account should they choose to have one. Staff recommends that the Trustees authorize the final contract year with MetLife for dental benefits.

#### Basic Life, AD&D and Voluntary Life

In the summer of 2011, the trustees of the Employee Benefits Trust awarded a contract to MetLife for Basic Life, AD&D and Voluntary life insurance. In the summer of 2012, the trustees authorized a renewal to this contract. MetLife has performed well, and Staff recommends a renewal to the contract for FY2013-2014 with no fee increase. The current benefits will remain the same.

Voluntary Vision

In the summer of 2011, the trustees of the Employee Benefits Trust awarded a contract to Avesis for voluntary vision insurance. Avesis has performed well, and Staff desires to extend the contract through September 30, 2015, with no change in rates. This contract award has no direct cost to the City since this is a voluntary benefit.

Medical and Prescription

On May 9, 2013, the City received five (5) proposals for providing City employees with medical and prescription insurance for fully-insured and self-funded plans to replicate the employees' current medical benefits. The City's insurance consultant and staff reviewed the proposals and recommend that the Trustees authorize a two (2) year contract with the Scott & White Health Plan for a fully-insured medical and prescription plan. There will be a slight increase in premiums over the FY2012-2013, and the Scott & White Health Plan is guaranteeing a premium increase not to exceed 9% for FY2014-2015. As an element of the agreement, Scott & White Health Plan will be implementing an onsite VitalityCare program, which will provide for preventative care services to employees.

Voluntary Supplemental Insurance

In 2012, the trustees of the Employee Benefits Trust awarded a contract to FBS/NBS for voluntary supplemental insurances and flexible spending account program management. FBS/NBS has performed well, and Staff desires to extend the contract for another year. This contract award has no direct cost to the City since this is a voluntary benefit.

**ACTION REQUIRED:** The Mayor shall recess the Council meeting and convene a meeting of the trustees of the City of Temple Employee Benefits Trust. The Trustees (all Councilmember's) will conduct the business of the Trust as shown on the Trust Agenda including awarding contracts to the various vendors. Once business has been concluded, the Mayor will adjourn the Trust meeting and reconvene the Council meeting. No action is required of the Council on this item. All action is performed by the Trustees.

**FISCAL IMPACT:** Funding of the contracts awarded by the Trust will be accomplished at a Council meeting in September when the budget is adopted. (NOTE: The trust was established in order to eliminate the premium tax that is passed on from the insurance companies.)

Proposed FY 2014 Budgeted Amount	Insurance Type
<b><i>Employees:</i></b>	
\$2,576,838	Health
56,931	Dental
44,929	Basic Life
9,481	AD&D
<b><i>Retirees:</i></b>	
\$106,650	Health
3,800	Dental
<b>\$2,798,629</b>	<b>TOTAL</b>

**ATTACHMENTS:**  
[Resolution](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF TEMPLE, TEXAS, EMPLOYEES BENEFITS' TRUST, APPROVING THE PURCHASE OF INSURANCE POLICIES FOR DENTAL INSURANCE; BASIC LIFE INSURANCE, ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE AND VOLUNTARY LIFE INSURANCE; VOLUNTARY VISION INSURANCE; MEDICAL AND PRESCRIPTION INSURANCE AND VOLUNTARY SUPPLEMENTAL INSURANCE; AND THE BIWEEKLY TRANSFER OF THE CITY'S EMPLOYEES' AND RETIREES' CONTRIBUTIONS TO THE TRUST FOR THE PAYMENT OF BENEFITS PURCHASED BY THE CITY OF TEMPLE EMPLOYEE BENEFIT TRUST; AND PROVIDING AN OPEN MEETINGS CLAUSE.

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**Whereas**, in 2013, the trustees of the City of Temple Employee Benefits Trust agreed to renew and purchase insurance contracts from MetLife for dental insurance, MetLife for basic life, accidental death and dismemberment insurance and voluntary life insurance through 2014;

**Whereas**, in 2013, the trustees of the City of Temple Employee Benefits Trust agreed to extend and purchase the Avesis contract for voluntary vision insurance through 2015;

**Whereas**, in 2013, the trustees of the City of Temple Employee Benefits Trust agreed to purchase a two year insurance contract from Scott and White Health Plan for medical/prescription insurance through 2015;

**Whereas**, in 2013, Staff and Burke O. Sunday of SAI/CCBS, recommend extending the contract with Financial Benefits Services, LLC/National Benefits Services, LLC (FBS/NBS) to purchase voluntary supplemental insurance and flexible spending account program management through 2014;

**Whereas**, the City must now, with the adoption of the FY2013-14 budget, fund the cost of those benefits and allow for the biweekly transfer of contributions made by the City and by employees/retirees to the trust;

**Whereas**, funding of the contracts awarded by the Trust reflects changes in costs from the current year and funds are budgeted in the FY2013-14 budget for this change in expense; and

**Whereas** the Employee Benefits' Trust has considered the matter and deems it in the public interest to authorize this action;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF TEMPLE, TEXAS, EMPLOYEES BENEFITS' TRUST, THAT:**

**Part 1:** The Employees Benefits' Trust approves the purchase of contracts for dental insurance, basic life and accidental death and dismemberment insurance and voluntary life insurance, voluntary vision insurance, medical/prescription insurance, voluntary supplemental insurance and flexible spending account program.

**Part 2:** It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the **20<sup>th</sup>** day of **June**, 2013.

CITY OF TEMPLE, TEXAS, EMPLOYEES  
BENEFITS' TRUST

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DANIEL A. DUNN, Mayor

ATTEST:

APPROVED AS TO FORM:

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Lacy Borgeson  
City Secretary

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Jonathan Graham  
City Attorney